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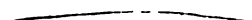
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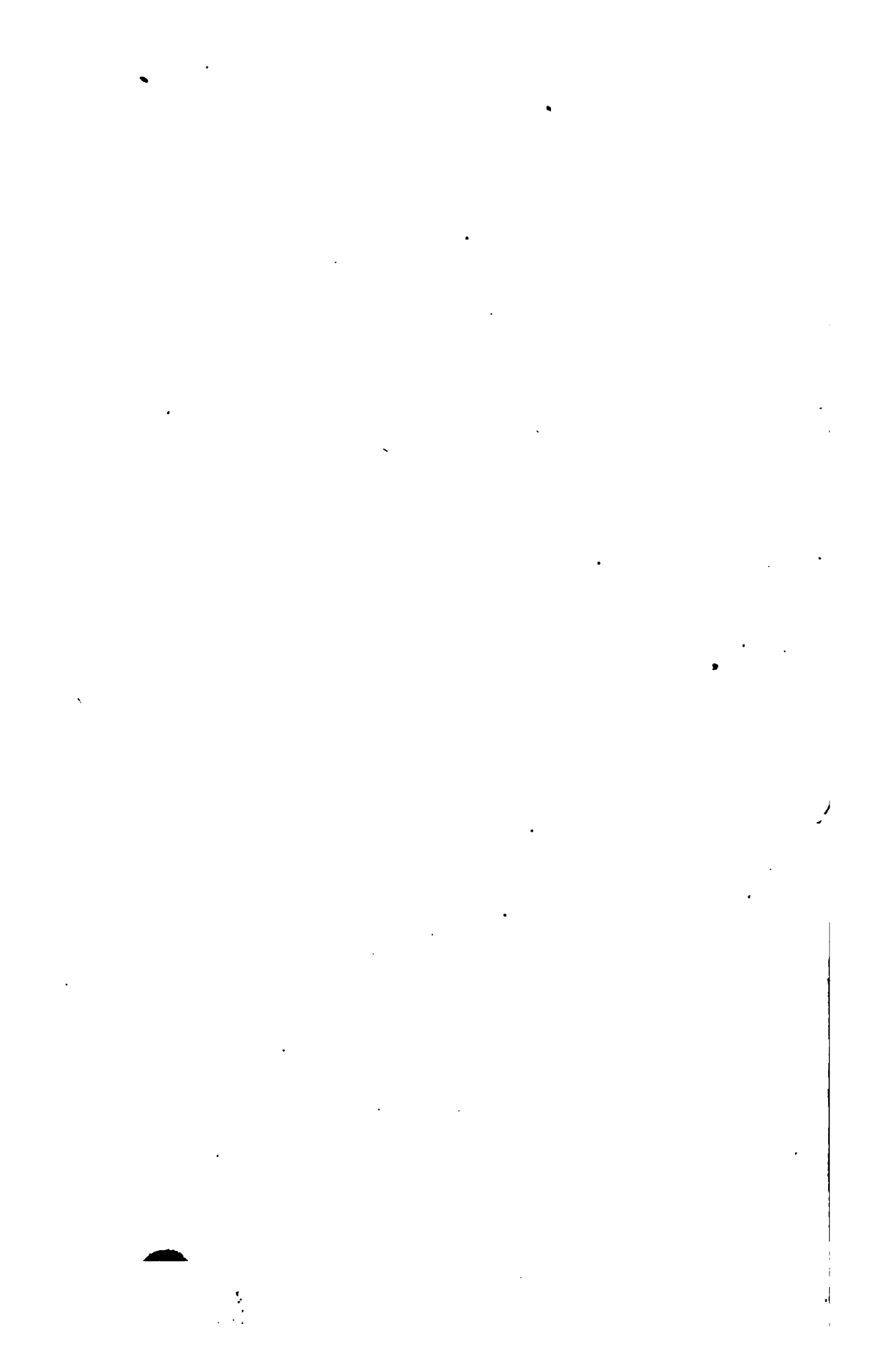
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THE
GENERAL AND LOCAL LAWS

AND
JOINT RESOLUTIONS

PASSED BY THE
SIXTY-FIRST GENERAL ASSEMBLY

OF THE
STATE OF OHIO,

AT ITS SECOND SESSION,

BEGUN AND HELD IN THE CITY OF COLUMBUS, DECEMBER 1, 1874.

VOLUME LXXII.

COLUMBUS:
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1875.

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УЧАСТКИ ОБОИМАТЪ

GENERAL LAWS.

AN ACT

To amend the first section of an act entitled "An act relating to wills, and the repeal of former acts relating thereto," passed May 3, 1852, took effect June 1, 1852. (S. & C.; 1615.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the above entitled act be so amended as to read as follows:

Section 1. That any person of full age and sound memory, having an interest in lands, tenements, or hereditaments, or any annuity or rent charged upon or issuing out of the same, or any goods, chattels, rights, credits, choses in action or possession, or any other property of any description whatever, may give and devise the same to any person, by last will and testament, lawfully executed; subject, nevertheless, to the rights of creditors, and to the provisions of this act, and of an act entitled "An act to restrain the entailment of real estate;" Provided, that if such testator or testatrix shall die, leaving issue of his or her body living, or their legal representatives, or shall leave an adopted child or children living, or their legal representatives, and said will give, devise, or bequeath such estate, in whole or in part, to any benevolent, religious, educational or charitable purpose, or to any person in trust for any of such purposes, whether such trust appears upon the face of the instrument making such gift, devise, or bequest or not, to the state of Ohio, or any state or country, to any county, township, city, incorporated village, or other corporation or association, in this or any other state or country, in such case said last will, as to such gift, devise, or bequest, shall be invalid and void, unless such will (or if contained in a codicil thereto, then such codicil) shall have been duly executed according to law at least twelve calendar months prior to the decease of such testator or testatrix.

SEC. 2. That the first section of the above entitled act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

NOTE.—The above act is here republished, in pursuance of joint resolution of the General Assembly of January 7, 1875, on account of errors in the publication of the volume of laws of 1874.—SECRETARY OF STATE.

Who may devise, and what may be devised.

Devises for charitable purposes, &c., must be made at least a year before death of devisee.

AN ACT

To amend an act entitled an act to amend an act entitled an act to establish a Code of Criminal Procedure for the State of Ohio, passed May 6, 1869, (O. L., Vol. 66, page 287); passed March 30, 1874. (O. L., Vol. 71, page 58.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 125 of said original act be so amended as to read as follows:

Venire facias
for jury in
capital cases.

Section 125. When any person charged with the commission of an offense the punishment whereof is capital, has been indicted, arraigned, and pleaded not guilty, it shall be the duty of the clerk of the court where the trial may be, at the instance of the prosecuting attorney, to proceed to draw from the box, as in other cases, thirty-six ballots, and to make out a *venire facias* to the sheriff, commanding him to summon the persons whose names were so drawn, to appear before the court at the day fixed for the trial, to be therein specified, of the person so charged; and the *venire facias* shall be served at least fifteen days before the trial, and the persons so summoned to act as jurors shall be electors, and have the qualifications of jurors as otherwise provided by law; Provided, if upon the return of the *venire facias* it shall appear to the clerk by the return of the sheriff, that any person therein named is dead, absent, or removed from the county, or is disqualified from being a juror under the statutes by reasons of insanity, or conviction of crime, or because he is not an elector of said county, then it shall be the duty of said clerk to draw from the box a number of ballots equal to double the number of jurors so dead, absent or disqualified, and issue an alias *venire facias* for the appearance of such additional persons upon such trial; and upon the trial of said cause, the first thirty-six qualified electors of the county who answer to their names shall constitute the thirty-six jurors provided for by this act. And should it occur that upon the return of such alias *venire facias* there are still less than thirty-six qualified electors within the county drawn, then the clerk shall again draw double the number lacking as upon the first failure; and so on until thirty-six qualified electors are found; and provided further, if upon the impaneling of the jury drawn, summoned and returned as aforesaid, it be made appear to the court that any person whose name is returned upon the list of such jury is not an elector of said county, or is insane, or has died, or has been convicted of crime, and there shall not be thirty-six competent jurors remaining on said list, the court may, on its motion, and shall, upon the motion of the prosecuting attorney or the defendant, order the clerk to proceed to draw a sufficient number of additional names from the jury-box, as in other cases, to make the number of competent jurors thirty-six.

Substitutes
for persons
disqualified
as jurors.

Procedure in
case of defi-
ciency upon
impaneling
jury.

SEC. 2. That section 125 of said original act, as amended March 30, 1874, be and the same is hereby repealed, and this

act shall take effect on its passage, and shall apply to pending actions, prosecutions, and proceedings, as well as to those which may arise in the future.

Applicable to pending actions.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed December 4, 1874.

AN ACT

For the better regulation of the Police Force in cities of the first class having a population of two hundred thousand or over, and to repeal an act entitled "An act to establish a Board of Police Commissioners in certain cities of the first class," passed March 29th, 1873. (O. L., Vol. 70, page 86.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first class, having at the last federal census a population of two hundred thousand and over, the police powers and duties shall be vested in and exercised by the mayor of such city, as hereinafter provided.

Mayor to exercise police powers in certain cities.

SEC. 2. Immediately upon the passage of this act, the mayor shall possess full power and authority over the police organization and discipline within such city, and shall have all the powers, rights and duties in reference to the appointments, selection, confirmation or removal of the police, and the possession and control of all property, books, records and equipments belonging to the police department in all particulars in such city as herein provided.

His powers and duties.

SEC. 3. It shall be the duty of said mayor, together with the superintendent of police, to enact, modify, repeal and publish, in writing or printing, from time to time, orders, rules and regulations for the general discipline and duties of the police force, in conformity to this act, subject to the approval of the common council.

Rules, &c., subject to approval of common council.

SEC. 4. The police force of any such city shall be appointed by the mayor, and be composed of a superintendent of police, so many captains of police, not to exceed ten, so many lieutenants of police, not to exceed twenty, and so many watchmen or patrolmen, not to exceed three hundred as may be asked by said mayor, and approved and prescribed by ordinance of the common council of such city. Said superintendent, captains and lieutenants of police shall be appointed by the mayor, with the approval of the common council. The officers and members of such police force shall receive such compensation as shall be fixed by the common council of such city; Provided, that the superintendent of police shall not receive a salary exceeding twenty-five hundred dollars (\$2500), five hundred dollars of which sum shall be paid by

Appointment and composition of police force.

Compensation of police.

- Citizenship and residence of police. the county in which said city is situated; captains, not exceeding twelve hundred dollars (\$1200); lieutenants, not exceeding one thousand dollars (\$1000), and patrolmen, not exceeding nine hundred dollars (\$900) per annum. Each member and officer of the police force shall be a citizen of the United States, and a resident citizen for three years of the city in which he shall be appointed, and able to read and write the English language. Appointments on the police force shall be for during good behavior, and physical and mental ability to discharge the duties attached to such appointment; and no member of said police force, unless physically or mentally disabled, except the superintendent, shall be removed until written charges shall be preferred against him for neglect of duty, misconduct, or for the violation of any of the laws of the state or ordinances of said city. All such charges must be in writing, and notice served on the person charged, who may defend by himself or counsel, in accordance with the written or printed rules and regulations adopted for the government of said police force. The mayor shall have power to examine, or try and determine, all charges against members of said police force. If the member charged is found guilty as charged, the mayor may fine, suspend or dismiss him.
- Removal for cause. SEC. 5. The superintendent of such police force shall be removed at pleasure of said mayor. The mayor shall have power to detail members of the regular force to act as secret detectives, and through the superintendent have control of the same.
- Superintendent of police. SEC. 6. The mayor shall appoint a clerk, to be styled "Clerk of the Police Department," at a salary not to exceed twelve hundred dollars per annum, as authorized by the common council, whose duty it shall be to act as secretary for the police department, and to file and preserve all papers and documents relating to said police force, and keep the books of said office. Said secretary shall give a penal bond in the sum of five thousand dollars for the faithful discharge of his duties; said bond to be approved by the mayor, together with the city solicitor, and filed in the city clerk's office.
- Clerk of police. SEC. 7. The said superintendent of police shall give a bond for the faithful discharge of his duties in the sum of twenty thousand dollars, with sureties to the satisfaction of the mayor and city solicitor; to be approved by the mayor and city solicitor, which shall be filed in the city clerk's office, and thereafter, under the direction and control of the mayor, he shall have command and control of the police force of such city. Each officer and member of the police force, before entering upon the discharge of his duties, shall take an oath before the mayor, who is hereby authorized to administer the same, to well and faithfully discharge the duties of his office; each captain and lieutenant of such police force shall give a penal bond for the faithful discharge of his duties, in the sum of five thousand dollars (\$5000), with sureties to the satisfaction of the mayor and city solicitor, which shall be filed in the city clerk's office; and each patrolman shall also give a penal bond in the sum of one thousand dollars (\$1000), with sure-
- Bond of superintendent and oath of members of police force.

ties to the satisfaction of the mayor and city solicitor, which shall be filed in the city clerk's office, for the faithful discharge of his duties, and for the payment of any damages that may be adjudged against him by any competent tribunal for the illegal arrest or imprisonment, or injury by him of any person for the benefit of such illegally arrested, imprisoned or injured person. No member of the police force shall receive, or share in for his own benefit, under any pretense whatever, any present, fee, gift or emolument for police services, other than the regular salary and pay, except by the consent of the mayor and superintendent publicly given and in writing.

No presents,
fees, &c.,
allowable.

SEC. 8. Every member of said police force, while on duty, shall wear a uniform to be prescribed by the mayor, except when on detective duty, and shall at all times, in public, wear an insignia of his office, to be furnished by the mayor. No member of the police force shall be a delegate to, or otherwise take part in any primary or other political convention or election, except to cast his vote. Vacancies occurring in any grade of said police force, except that of the superintendent, shall be filled by the mayor from the next lowest grade. It shall be the duty of the superintendent of police to detail two patrolmen to attend and preserve order at each election poll in every primary or other election.

Uniform of
police, &c.

Vacancies.

Detail of
patrolmen
at elections.

SEC. 9. The said mayor shall have power to summon and compel the attendance of witnesses before him, whenever deemed necessary, and to administer oaths or affirmations to any person appearing or called before him; and any one swearing falsely in any proceeding before him shall be punishable for the same offense, as in any court of record.

Mayor to
compel at-
tendance of
witnesses,
&c.

SEC. 10. All stolen property, or property found, taken by members of the police force, shall be kept under the control of the police department. Every such article shall be entered in a book kept for the purpose, together with the name of the owner, the name of place where found, when and from whom taken, and name of the officer recovering it, together with the receipt of the person claiming the same. The said police department shall keep a book for the registry of lost, stolen or missing property, for the general convenience of the public, and for the use of the police force of the city; also books of record, wherein shall be entered the name of each member of the police force, the time and place of his nativity, the time and place he became a citizen, if born out of the United States, his age, former occupation, number in family and residence thereof, date of appointment, and if dismissed from the force, the date and cause therefor; and in such book shall be entered all arrests made by such member, and any special service deemed meritorious by the superintendent of police. There shall also be kept and bound all annual police returns, which shall contain all statistical information connected with the police government of the city during the preceding year.

Disposition
of stolen
property, &c.

SEC. 11. The compensation of members of the police force shall be payable semi-monthly; and it is hereby made the duty of the common council of such city to make the necessary appropriations out of the proper city funds for such

Payment of
compensa-
tion of mem-
bers of police.

semi-monthly payments. The clerk of the police department shall semi-monthly draw his warrant, attested by the mayor, in favor of each member of the police force, for the amount of salary due him, which shall be presented to the city auditor, who shall thereupon draw his warrant therefor upon the city treasurer, payable to such member, and such treasurer shall pay the same.

Monthly
report of
police clerk.

SEC. 12. It shall be the duty of the said clerk to make a monthly report, in writing, to the auditor of such city, attested by the mayor, of the expense incurred by the police department for the current month, other than the salaries of the officers and members of the police force, such as advertising, printing, stationery, postage, telegrams, fuel, lights, and feeding of prisoners; and such auditor shall thereupon promptly certify said report, if found correct, to the treasurer of the city, who shall pay the amount thereof to the clerk of the police department, out of the proper fund provided therefor, taking his voucher therefor.

Requisite
fund to be
estimated
and reported.

SEC. 13. The fund required for the payment of the clerk, officers and policemen herein named, and for all the other expenses that may be incurred in carrying out the provisions of this act, shall be annually estimated by the mayor, and reported to the city council of such city on or before the first Monday in May in each year for revision, and to report to the auditor of the county the percentage to be levied for said purposes in pursuance to law.

Salary of
member dis-
abled in dis-
charge of
duty.

SEC. 14. Whenever any member of the police force, in actual performance of his duty, shall become bodily disabled in consequence of the performance of such duty, he shall continue to draw his regular salary, at the discretion of the mayor, for a period not to exceed one month.

Disposition
of gifts, pro-
ceeds of
sales, &c.

SEC. 15. All rewards, fees and gifts in money, and the proceeds arising from the sale of unclaimed goods and other things, after deducting all expenses incident thereto, shall be paid to the city treasurer, to the credit of the police fund; all goods unclaimed for the period of one year shall be sold at public auction by the auditor of said city.

Substitutes
to fill vacan-
cies.

SEC. 16. The mayor may appoint a sufficient number of substitutes to fill the vacancies occasioned by the absence of any member of said force, and such substitutes shall receive compensation only for such time as they may serve, and the amount of said compensation so allowed shall be deducted from the pay of the absent members.

Repeal.

SEC. 17. And the act entitled "An act to establish a board of police commissioners in cities of the first class," passed March 29, 1873 (O. L., vol 70, page 86), is hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President of the Senate pro tem.

Passed 18th December, 1874.

AN ACT

To amend section thirteen of an act defining the jurisdiction and regulating the practice of Probate Courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12th, 1858. (S. & C., 1221.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section thirteen of the above recited act be amended so as to read as follows:

Section 13. The probate judge shall be paid for his services in criminal cases not less than one hundred dollars, nor more than four hundred dollars, except in the county of Holmes, where he shall receive not more than one hundred dollars per annum out of the county treasury, the amount to be determined by the county commissioners, and paid quarterly; and the probate judge shall tax the fees to which he would be otherwise entitled, and when the same are collected, pay them into the county treasury.

Fees of probate judge of Holmes county.

SEC. 2. That section thirteen as enacted April 12, 1858, is hereby repealed.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President of the Senate pro tem.

Passed December 19, 1874.

AN ACT

Making partial Appropriations for the year 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated out of any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums, to wit:

Appropriations.

For the Legislature:

Per diem and mileage of the members of the general assembly, and the per diem of their clerks, assistant clerks, sergeant-at arms, assistant sergeant-at arms, messengers, pages, and other employes, under the laws and resolutions of the senate and house, forty-five thousand dollars.

ture.

For the Constitutional Convention:

Deficiency in the per diem and mileage of the members, and in the per diem of the officers and messengers of the constitutional convention, to be paid on the order of the presiding officer of the convention, in accordance with the provisions of law providing for the compensation of said members, officers and messengers, existing when the said members, officers, and messengers entered on the discharge of their duties, two thousand four hundred and ninety-six dollars and sixty-eight cents.

Constitutional convention.

Contingent expenses.	Deficiency in the contingent expenses of the constitutional convention to be allowed and paid by the auditor and treasurer of state, on the presentation of the proper vouchers, certified to be correct by the presiding officer of the convention, twelve dollars and ninety cents.
Reporting debates.	Deficiency for reporting the debates of the constitutional convention, to be paid by the auditor of state on the presentation of the proper vouchers, approved by the supervisor of public printing and the chairman of the committee on accounts and expenses of said convention, and countersigned by the presiding officer of the convention, three thousand eight hundred and six dollars and eighty-eight cents.
Printing.	Deficiency for the printing of the constitutional convention, to be paid as provided in section one of the act entitled an act making appropriations for the fiscal year 1873, and the first quarter of the fiscal year 1874, passed May 5, 1873, two thousand six hundred and thirty-one dollars and eighty cents, the same to be paid by the auditor of state on the presentation of the proper vouchers, approved by the supervisor of public printing and the chairman of the committee on accounts and expenses of said convention, and countersigned by the presiding officer of said convention.
Publishing in newspapers.	For publishing the proposed new constitution in newspapers, as per section twelve of schedule of said instrument, nine thousand five hundred and seven dollars and fifty cents.
State librarian.	Deficiency in the state librarian contingent fund, one hundred and fifty dollars.
Law librarian.	Deficiency in contingent fund of law librarian, one hundred dollars; deficiency in the appropriation for books for the state law library, two hundred dollars.
Deputy clerk supreme court.	For salary of deputy clerk of supreme court for December, 1874, and January, 1875, two hundred dollars.
State board of agriculture.	Deficiency in the contingent fund of the state board of agriculture, one hundred and fifty dollars.
Distribution of laws, etc.	Deficiency in the appropriation for the distribution of the laws and journals, three hundred dollars; for needed clerical help in secretary of state's office, two hundred and fifty dollars.
Reprinting state reports.	Reprinting Ohio State Reports, from volume 2 to 18, inclusive, 4,396 copies, in pursuance of act of April 20, 1874, under contract with Robert Clarke & Co., nine thousand six hundred and ninety dollars. For the Comptroller's office:
Comptroller's office.	Deficiency in the appropriation for the care of the state house and grounds, five hundred dollars. Deficiency in the appropriation for the wages of employes, one thousand five hundred dollars. Salary of policeman, two hundred and forty dollars. Heating apparatus and repairs, two hundred and fifty dollars.
Inspector of mines.	For office of state inspector of mines: Furniture for office, to fix place for maps, and geological specimens, two hundred and fifty dollars.
State senate.	For chair for president of the senate, ninety dollars. For post-office for senate, two hundred dollars.

For table for the same, four dollars and fifty cents.

For factory work and fixing speaker's chair, eight dollars.

For post-office for the house, three hundred dollars, to be paid upon the warrant of the auditor, upon the filing in his office of a receipt in full for the above claim.

For table for same, six dollars.

Deficiency in the appropriation for state binding, one thousand and five hundred dollars.

House of representatives.

State binding.

ASYLUM FUND.

SEC. 2. That there be and hereby is appropriated out of any money in the treasury to the credit of the asylum fund, and not otherwise appropriated, the following sums, to wit :

Asylums.

For the south-eastern Ohio hospital for the insane :

S. E. hospital for insane.

Paving, etc., cellar and basement, three thousand two hundred dollars.

For western Ohio hospital for the insane :

Western hospital for insane.

Salaries of officers, nine hundred and fifty dollars.

For Lucas county hospital for the insane :

Lucas county hospital for insane.

Deficiency in account for maintaining one hundred patients, sixty-eight dollars and fifty-seven cents.

For Longview asylum for the insane :

Longview asylum for insane.

Deficiency for keeping colored patients, as per legalized contract, two thousand dollars.

For northern Ohio hospital for insane :

Northern hospital for insane.

For purchase of material to be made up into bedding for the front wings, three thousand dollars.

For blind asylum :

Blind asylum.

Deficiency in current expense account, five thousand dollars.

Deficiency in salary account, one thousand dollars.

For Ohio penitentiary :

Penitentiary.

Deficiency in salary account, three thousand dollars.

Enlargement and repairs, eight thousand dollars.

Ordinary repairs, two thousand five hundred dollars.

Transportation, etc., of convicts. Reform school.

Cost of prosecution and transportation of convicts to the Ohio penitentiary, fifteen thousand dollars.

For state reform school for boys :

To rebuild shop, seven thousand dollars.

Machinery, tools and materials for shop, three thousand dollars.

Hall's patent safe, seven hundred and sixty-five dollars.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed December 19, 1874.

AN ACT

To amend section three hundred and two of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869. (66 O. L., 200.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and two of the act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, be and the same is hereby amended to read as follows :

Appointment
of overseers
of the poor.

Proviso as
to certain
cities.

Compensa-
tion of over-
seers.

Charge of
the poor.

Commission
to be issued
to overseers.

Section 302. The council shall provide by ordinance for the appointment by the mayor, subject to the approval of the council, of such number of persons as may be deemed necessary, not to exceed one in each ward, to act as overseers of the poor, and shall prescribe the duties of such persons in relation to the care of the poor, and their removal when necessary to the infirmary, but such persons shall not receive any compensation for their services : Provided, that in cities of the first class having a population of over two hundred thousand inhabitants, the board of infirmary directors may, with the approval of the common council of such cities, divide such cities into districts, not to exceed twelve in number, bounded by ward lines, and may appoint for one year one overseer of the poor in each of such districts, who shall act under the supervision of the said board of infirmary directors, and be entitled to such compensation as may be fixed by the common council of such cities upon the recommendation of the said board of infirmary directors, who may remove any one or all of said overseers with the approval of the common council of said cities, and fill the vacancies occasioned by such removals with the approval of the said common council of said cities. The compensation allowed to each of said overseers shall not exceed six hundred dollars per year, payable in monthly installments, as the case may be; and no extra allowance shall be made to them under any pretense whatever. The said overseers of the poor shall have charge of the poor of the said cities, in their respective districts, and shall recommend to the said board of infirmary directors, in writing, the assistance to be given to any one of the said poor in their respective districts, but shall have given to them no power to give such assistance directly themselves. The said overseers shall be sworn or affirmed to faithfully perform the duties that may devolve upon them under the law. A commission signed by the members of said board of infirmary directors shall be given to each of said overseers, and a copy thereof kept in a book provided for that purpose, and under the copy of each commission in said book shall be written the oath or affirmation to be taken by each of said overseers, and any one of the said board of infirmary directors may administer said oath or affirmation and certify the same. The said oath or affirmation shall be subscribed by the overseer taking the same.

SEC. 2. That said original section three hundred and two be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed December 22, 1874.

AN ACT

To amend section nine of an act entitled "An act concerning Divorce and Alimony," passed March 11, 1853, as amended March 1, 1870, and amended February 27, 1873. (O. L., Vol. 70, page 50.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section (9) nine of an act entitled "An act concerning divorce and alimony," passed March 11, 1853, as amended March 1, 1870, and February 27, 1873, be amended so as to read as follows:

Section 9. That the said court, while in session, or any judge thereof during vacation, upon a sufficient notice to the opposite party of the time and place of such application, shall have power to grant alimony to the wife for her sustenance and expense pending said suit, and an allowance to her for the support of a minor child or children dependent upon the husband for support, and not provided for by him during the pendency of a petition for divorce, or for alimony alone, filed for any of the causes aforesaid, and award execution therefor; and in all such cases, when an appeal is taken by said husband to the district court, said court, or any judge thereof in vacation, shall have power to grant like alimony and support during the pendency of said case on appeal, upon like notice being given; and any person, corporation or company, having possession or control of, or claim any interest in any property, real or personal of the husband, out of which the wife seeks alimony allowed her, may be made party defendants in said action; and whenever it may be made to appear to such court or judge that the said husband is about to dispose of or so encumber his property or any part thereof, so as to defeat the wife in obtaining alimony, the said court or judge may allow an injunction to prevent the same, with or without bond, at the discretion of said court or judge, and the wife may sell and assign the order for alimony or allowance after the same shall be made.

SEC. 2. That said original section nine, passed March 11, 1853, and an act amendatory thereof, passed March 1, 1870,

Alimony during pendency of petition.

Parties defendant claiming interest, &c.

Injunction against disposal of property, &c.

and also an amendatory act passed February 27, 1873, be and the same are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed January 6, 1875.

AN ACT

To amend the second section of an act entitled "An act to provide for the appointment of the Register of Virginia Military School Lands," passed February 22, 1852. (Ohio Laws, Vol. 50, page 108.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said original section two be so amended as to read as follows:

Vacancy to
be filled by
governor.

Removal for
insanity.

Section 2. Should a vacancy happen in said office of register, by death, resignation or otherwise, during the recess of the general assembly, it shall be the duty of the governor to appoint some person to fill such vacancy, which appointment shall not extend beyond the adjournment of the next session of the general assembly thereafter; Provided, that if such register has been or shall hereafter be adjudged insane, the governor shall have power to remove him from said office, and to appoint some other suitable person to said office for the unexpired term for which said register was appointed, under the provisions of the first section of said original act of February 22, 1852.

SEC. 2. This act shall take effect from and after its passage, and said original section two of said act of February 22, 1852, be and the same is hereby repealed.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed January 7, 1875.

AN ACT

To amend sections one and two of an act entitled "An act to amend an act entitled an act to regulate the standard per bushel of Stone Coal and the measurement of Cord Wood, (S. & S., page 927), and to renumber section three, and repeal sections one and two," passed April 29th, 1872. (69 O. L., 188.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above recited act be so amended as to read as follows:

Section 1. That the standard of weight of a bushel of stone

coal shall be 80 lbs., avoirdupois, for bituminous, and 70 lbs. avoirdupois for cannel coal, and in any sale by the ton, 2,000 lbs. avoirdupois, or fractional parts thereof.

SEC. 2. The lawful measure for selling the articles mentioned in the first section of this act, in cases where it is impossible to get the weight, such as in barges or boats afloat, or in large compact piles, shall be the bushel containing 2,688 cubic inches.

SEC. 3. All sales of stone coal shall be made by weight, unless otherwise specially agreed by the parties, in which case the sale shall be regulated by section two of this act; and any person or persons who shall sell and deliver, or cause to be sold and delivered, any stone coal, in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than five nor more than fifty dollars and costs, or be imprisoned in the county jail not less than five nor more than thirty days, and stand committed until costs are paid; and the owner or owners of, lessee, company or association, being the owners of any coal mine or coal interests, or coal yard, at which coal is so sold in violation of this act, shall be liable in treble the damages to the person or persons to whom said coal is sold and delivered as aforesaid, which shall be collected by suit before any court of competent jurisdiction; and in case the owner or owners of such coal mine, or coal interest or coal yard, shall not reside in the county where such mine is located, summons may be served upon said party or parties by leaving a copy of the summons at the office or place of doing business of such company, and any judgment recovered as aforesaid, shall be a lien on all property belonging to the defendants from the day summons is served; Provided, that nothing in this act shall be construed as to prohibit the measurement of coal according to the metric system of measurement, as provided by an act of congress, passed July 28th, 1866, to authorize the use of said system of weights and measure. And, provided further, that the provisions of this act shall not be so construed as to affect any miner or miners, owner or owners of, lessee, company or association being the owner or owners of any mine or mines, or coal interest, who may mine or sell less than fifteen thousand bushels of coal annually.

SEC. 4. Section three of the above recited act shall be renumbered section four, and sections one and two are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed January 7, 1875.

Weight of
stone coal.

Dimensions
of measure
for coal.

Sales to be
made by
weight.

Penalty for
violation.

Service on
non-resident
owners.

Metric sys-
tems.

Provisions as
to small
miners.

AN ACT

To amend an act entitled "An act to regulate the practice of Pharmacy, in certain cities of the first class, and for other purposes," passed May 5, 1873. (O. L., pp. 287-288.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2 and 4 of said act be amended so as to read as follows:

Pharmaceutical examining board.

Term of office, oath, &c.

Examination of persons engaging in apothecary business.

Certificate to be furnished.

Fee for examination.

Section 2. There shall be nominated, on the first day of the month of June next, and each and every second year thereafter, by the trustees of the incorporated college of pharmacy, or incorporated association of pharmacists, for the advancement of pharmacy in said city, ten persons from and out of the most skilled and competent pharmacists at the time doing business in the said city; and from and out of the ten persons so nominated, the judges of the court of common pleas of and for the county in which the said city is located shall select and appoint the persons who shall constitute a board, to be styled the pharmaceutical examining board of the said city. They shall hold office for two years, and until their successors are duly appointed and qualified, and they shall each of them, within ten days after their appointment, take and subscribe to an oath or affirmation, before some competent officer, that they will faithfully and impartially perform the duties of their office; and any vacancy that may occur shall be filled for the unexpired term by the judge of the court of common pleas aforesaid, from and out of the persons previously nominated, as provided above.

Section 4. That the pharmaceutical examining board shall examine every person who shall desire to carry on or engage in the business of a retail apothecary, or that of retailing drugs, chemicals, poisons, or other medicines, or compounding or dispensing of the prescriptions of physicians, touching his competency and qualifications for that purpose; and upon the majority of said board being satisfied of such competency and qualifications, the board shall furnish such person a certificate of his competency and qualification, which certificate shall entitle the person named therein to conduct and carry on the business aforesaid, upon his complying with the requirements of section three; and said examining board shall also examine all assistant pharmacists, touching their competency and qualification, and upon any assistant passing a satisfactory examination, shall furnish said person with a certificate setting forth that he is a qualified assistant in pharmacy. Each assistant, on presenting himself for examination, shall pay a fee of two dollars.

SEC. 2. That original sections 2 and 4 be and the same are hereby repealed.

SEC. 3. This act shall take effect on and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives

ALPHONSO HART,

President of the Senate.

Passed January 13, 1875.

AN ACT

To amend an act entitled "An act relating to the sale of bonds of railroad companies, and to increase the number of directors," passed December 15, 1852. (S. & C., 822.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the above recited act be so amended as to read as follows:

Section 3. That any railroad company heretofore incorporated, or which may be hereafter incorporated in this state, shall be and is hereby authorized, by vote of a majority of the stock of such company, at any regular annual meeting of the company, to increase the number of directors provided for in the charter of such company, to any number not greater than fifteen, or to decrease the number, after it shall have been so increased, to any number not below seven, and the increased or decreased number of directors thus created shall have the same powers and perform the same duties as may be provided for in the charter of such company.

Increase of
number of
directors.

SEC. 2. That original section three of the act, to which this is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed January 14, 1875.

AN ACT

To provide for the disposition of unclaimed freight and express packages, and to amend an act entitled "An act providing for the disposition of unclaimed freight and express packages," passed April 16, 1867. (S. & S., p. 93.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of all express companies, transportation companies, forwarding and commission merchants, common carriers, warehousemen, wharfingers and railroad companies, doing business in this state, within thirty days after the receipt of any property in their warehouse, depot, station, store or other place of deposit or doing business, when such property is plainly marked with the owner's name and place of residence, or shall be otherwise known, to notify the owner or owners that such property is held by them subject to charges, either by leaving such notice at the usual residence or place of business of

Notice must
be given to
owner of
property.

such owner or owners, or by depositing the same, postage prepaid, in the proper post-office, duly addressed to such owner or owners.

Register of
goods must
be kept, etc.

SEC. 2. That all such persons, associations or companies, shall keep a register, in which shall be entered a list or inventory of all goods, wares, merchandise, baggage or other property, with a pertinent description thereof by marks thereon, size, weight or color, and the depot, warehouse, or other place where the same is deposited, the time when the same was received, and the amount of charges claimed thereon, which may be left in the possession of such persons, associations or companies, by reason of the owner or owners being unknown, or when such owner's residence is not known, or when such property has been refused, or the owner has neglected to receive and take the same.

When prop-
erty may be
sold.

SEC. 3. That when any such property has been conveyed to any point in this state, and shall remain unclaimed for the space of six months at the place to which it is consigned, and the owner, whether known or unknown, fails within that time to claim such freight, or other property, and to pay the proper charges, if there may be any against it, then it shall be lawful for such persons, associations or companies to sell such freight, or other property, at public auction, offering each article separately; Provided, if the owner or consignee is known or can be found in the county where such property is, and the notice given as provided in section one of this act, or in case the owner is unknown, or is a non resident of the county, or his place of residence is unknown, by publication for not less than ten days in some newspaper of general circulation in such county, and if the said charges are not paid, and the freight removed from the premises of said company within ten days from the time of service of such notice, said railroad or other company may bring suit before any court of competent jurisdiction, for the amount of said freight and the legal charges thereon; and said claim, when established, shall be a lien upon the goods or merchandise so carried; and said company shall have the right to recover the amount aforesaid, with other legal charges, by public sale of such goods or merchandise; Provided, it shall be lawful for such railroad or other company, after the expiration of ten days from the date of giving or depositing the notice as provided in the first section of this act, to the owner or consignee of goods thus received, and not removed as aforesaid, to charge a fair and reasonable cost for storage of the same, which shall be a lien upon the goods so stored; also, after the expiration of said ten days, it shall be lawful for said company to deliver said goods to any warehouseman or storage merchant at the point of destination of such goods or merchandise, or in case there be no responsible warehouseman or storage merchant at such point willing to receive such goods, then at the most convenient point where such storage can be effected, and receive from such warehouseman the freight and charges due such railroad or other company upon the same, notifying the owner or consignee of such storage,

Notice of
sale, etc.

When suit
may be
brought.

Costs for
storage.

when known, in the manner provided in the first section of this act, who shall be liable to such warehouseman or storage agent, for advances made, and all reasonable charges for storage.

SEC. 4. Such property shall be offered for sale in the place where the office, station, depot or warehouse in which the same shall have been deposited for safe keeping is located, and if not sold when once offered, may be offered for sale at any other place where such persons, associations or companies may deem best to insure a prompt sale thereof. At least thirty days' notice of the time and place of sale, containing a descriptive list of the several articles to be sold, with names, numbers and marks thereon, shall be given by posting such notice in three public places, and at the office, station or depot of such person, association or company, if any there be in the county where the place to which such property was consigned is situated, and by publication in two newspapers of general circulation in such county, if any there be; and if such property is to be sold at any other place than where it was consigned, by like publication in two newspapers of general circulation in such place, in addition to the posting and publication at the place of consignment. Such person, association or company, from the proceeds of the sale of any such property, shall pay all the necessary costs and expenses of the sale and all proper charges for freight and storage of the property sold, apportioning such expenses and charges as near as may be among the articles sold to the amount received for each, and hold the overplus, if any, subject to the order of the owner thereof, at any time within one year after such sale, upon proof of ownership by affidavit of the claimant or attorney; and after the expiration of one year all such sums unclaimed shall be paid into the State Treasury, to be placed to the credit of common schools; Provided, that any such articles not sold may be offered again as above provided, until sold.

SEC. 5. All such persons, associations or companies shall keep a copy of the notice, a copy of the sale bill, and the expenses thereof, proportional to each article sold, and also the oath of the claimant of the residue of the proceeds as aforesaid and shall furnish an inspection of the same, and, if required, copies thereof to any one, on payment of the proper charges therefor.

SEC. 6. If any perishable property shall be so conveyed as freight as aforesaid, and remain unclaimed until in danger of great depreciation, or the same shall be refused, or the owner thereof cannot be found, then such persons, associations or companies may sell the same at private sale, or auction, without giving notice, for the best price it will bring, and apply the proceeds as aforesaid.

SEC. 7. If any such person or persons, associations or companies shall refuse or neglect to perform any of the duties required by this act, with the intent to avoid the provisions thereof, every such person or persons, associations or companies, shall forfeit and pay any sum not less than one

Place of sale
of property,
notice, etc.

Proceeds,
how dis-
posed of.

Copy of no-
tice and sale
bill.

Sale of per-
ishable arti-
cles.

Penalty for
evading pro-
visions of
this act.

hundred dollars, nor more than five hundred dollars, at the discretion of the court, to be recovered for the use of common schools in the county in which the principal office of such person or persons, association or company is located, and shall, moreover, be liable to any person injured thereby in double the value of the property.

Penalty for
concealing or
embezzling.

SEC. 8. If any person having the custody of any such property, or the proceeds thereof, shall conceal, embezzle, or in any manner dispose of the same with intent to avoid the provisions of this act, or convert the same to their own use, every person so offending shall be deemed guilty of larceny, and upon conviction thereof shall be punished as for stealing other property of like value.

SEC. 9. If the owner of any such property shall, at any time within five years, reclaim the same, and produce satisfactory evidence to the auditor of state of his ownership thereof, the said auditor shall draw his warrant upon the treasurer of state for the amount paid into the state treasury.

Property
may be re-
claimed
within five
years.

SEC. 10. The act entitled an act providing for the disposition of unclaimed freight and express packages, passed April 16, 1867, (64 Ohio Laws, 209; Swan & Saylor, 93,) is hereby repealed.

SEC. 11. This act shall take effect from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed January 26, 1875.

AN ACT

To amend section twenty-seven of an act entitled "An act to more effectually provide for locating, establishing and constructing ditches, drains and water-courses in townships, and to repeal certain acts therein named," passed and took effect April 18, 1874. (O. L., Vol. 71, pp. 124 and 135.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-seven of the above recited act be and the same is hereby amended so as to read as follows:

Proceedings
for keeping
ditches in re-
pair.

Section 27. For the purpose of keeping any ditch open and in good repair that may be located and constructed under the provisions of this act, or the acts herein repealed, any one resident land-owner, through whose land such ditch passes or adjacent thereto, may make his or her statement in writing to the trustees of the township wherein the said ditch is located. Upon receiving said statement as aforesaid the said trus-

tees shall immediately appoint one of their number to go upon the line of said ditch and examine the same carefully, and if he shall be of the opinion that the said ditch should be opened and repaired, the said trustees shall immediately order the township clerk to forthwith notify the owner or owners of each tract of land, or their agent, so far as their residence is known to said clerk, directing him or them to clean out and repair said ditch to its original capacity within thirty days from the date of said notice; Provided, that if, at the expiration of said thirty days' notice, the work of cleaning out and repairing said ditch on any of the tracts aforesaid shall not have been completed, the said trustees may, in their discretion, extend the time for completing said work for a period not exceeding sixty days from the expiration of the notice aforesaid, and upon such conditions as the said trustees may prescribe respecting its completion. And in order that each person may know the original capacity of said ditch, the said notice shall contain a verbatim copy, taken from the journal record of said ditch, of each person's original apportionment, together with the length, depth, width and flare of the same; said notice to be in writing or printed, and to be sent to said owner or owners by mail or otherwise; and each person so notified shall clean out and repair the same portion of said ditch as was originally apportioned to his, her or their tract of land. Said tracts of land shall be the same land that the journal record of said ditch shall describe. But if the residence of the owner or owners of any such tract of land, or his, her or their agent, is not known to the said clerk, it shall be the duty of said clerk to cause to be posted up in at least three of the most public places in the township in which the said ditch is located, written or printed notices of the time required for the cleaning out and repairing of said ditch. Immediately after the expiration of said thirty days, or such other period of time as may have been granted or extended to any person for the completion of the work aforesaid, the said trustees shall appoint one of their number to examine said ditch and determine whether it has been cleaned out and repaired as directed in said notice; and if the ditch has been cleaned out and repaired to its original capacity, the parties interested shall be discharged from further obligation under said application and notice; but if, on examination any of the parties who have been notified as aforementioned shall not have cleaned out and repaired such ditch, as directed in said notice, the said trustees shall then immediately proceed to sell said cleaning out and repairing of said ditch to the lowest bidder, in substantial conformity, and in the same manner as the provisions of this act provides for selling unfinished sections of ditches. The said trustee, appointed by the said trustees, as aforementioned, to examine such ditch, shall be entitled to receive one dollar and fifty cents per day for his services, to be paid out of the township fund. It shall be the duty of the said clerk to make a full and complete record of the proceedings had in such case, and the said clerk shall be paid for his services out of the township fund such

Notice to
owners of
lands.

Notice to
non-resi-
dents, &c.

Sale of work
for repairs.

Fees for ser-
vices.

Record of
proceedings.

amount as is allowed him for similar services according to section ten of this act, except that portion of his services relating to such said sale, then that portion of his services shall be included in the assessment made against the parties interested the same as other ditch sales.

SEC. 2. That section twenty-seven of the act of which this is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed January 26, 1875.

AN ACT

Supplementary to "An act for the relief of the poor, and to repeal certain acts therein named," passed April 26, 1872. (O. L. Vol. 69, page 115).

Transfer of
indigent
children
from infirm-
aries to pri-
vate homes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in the several counties of this State where there is not a children's home established or maintained under the laws passed for that purpose, and where there is such a home established by private charity or otherwise, the board of infirmity directors of any such county shall have authority in case any child under sixteen years of age shall become a county or township charge, under the act to which this is supplementary to transfer such child to said home (established and maintained by private charity or otherwise) instead of committing them to the county infirmity; Provided, the cost for maintaining such child shall be the same as in similar institutions, while it remains a public charge.

SEC. 2. This act shall take effect from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed January 26, 1875.

AN ACT

Supplementary to an act entitled "An act to more effectually provide for locating, establishing and constructing Ditches, Drains and Water-courses in townships, and to repeal certain acts therein named," passed April 18, 1874. (O. L., Vol. 71, p. 124).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That at the time of the hearing and determin-

ing of said petition provided for in section seven of the act to which this is supplementary, if any person interested in the location and construction of such ditch, drain or water-course, shall make a written request to the township trustees to be allowed to box or tile, and cover over with earth the whole or any portion of such ditch, drain or water-course which may pass through his or her land, the said township trustees shall grant the said request, and shall prescribe the size of such boxes or tile to be used as they may deem necessary, and the said township trustees shall in all other respects be governed, so far as applicable, by the provisions of the act to which this is supplementary.

Boxing or
tiling drains
to be allowed
on written
request to
trustees.

SEC. 2. This act shall be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed January 26, 1875.

AN ACT

To authorize Boards of Education of incorporated villages and special school districts in the State of Ohio, to determine on places to pay interest and principal on bonds which they are authorized to issue and sell.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases when boards of education of incorporated villages and special school districts within this state, are authorized to issue and sell bonds, to enable them to construct school buildings, the said boards shall be authorized to decide upon places of payment of the principal and interest of such bonds; and when so doing, the said boards shall make a minute of the same on their journal.

Relative to
place of pay-
ment of
bonds for
school build-
ings.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 3, 1875.

AN ACT

To amend and supplemental to an act passed April 20, 1872, (69 O. L., p. 82), entitled "An act supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, (S. & C., Vol. 1, p. 271.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above entitled act, passed April 20, 1872, be made to read as follows:

**Corporators
authorized
to carry into
effect objects
named in cer-
tificate.**

Section 3. That whenever organized as provided in section two, the persons named as corporators in said certificate are hereby authorized to carry into effect the objects named in said certificate, in accordance with the provisions of this act; and their associates, successors and assigns, by the name provided in said certificate, shall thereafter be deemed a body corporate, with succession, and shall have power to receive money, either by voluntary donation or contribution, or to collect the same by assessment on its members; and to distribute, invest and appropriate the same in such manner as such association may deem proper, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure, all such real and personal estate as may be necessary and convenient to carry into effect the objects of the association; to make and use a common seal, and the same to alter at pleasure; and do all needful acts to carry into effect the objects for which it was created, in such manner and for such purpose as may be prescribed by the rules and regulations of the association, which rules and regulations shall not be inconsistent with the laws of the state, and the purposes of the association as above expressed; Provided, that the aggregate sums, stipulated to be paid to the family or heirs of any member at his decease, shall in no case exceed seven thousand dollars; nor shall any assessment, on account of the death of any member, be made against any surviving member exceeding one fifth of one per centum, stipulated to be paid to such survivor at his decease.

**Limitation of
allowance.**

**Bond of
agent, offi-
cer, etc.**

SEC. 2. That the following shall be added as section four:

Section 4. No agent or officer of any such association shall be permitted to collect or receive any dues, assessments, or donations for or on account of the same, until he shall have executed a bond to the association to the approval of the trustees thereof, in such sum as they shall prescribe, which bond, in case of the treasurer, shall not be less than ten thousand dollars, conditioned for the faithful accounting for, payment and disbursement to the legitimate purposes of the association, of all moneys thereof which shall come into his hands.

**Rights ac-
crued to sur-
vive, etc.**

SEC. 3. The said original section three is hereby repealed; Provided, that all rights accrued, and all associations formed under said original act shall survive and be subject to, and governed only by the provisions of said original act as hereby amended, and in no manner subject to the laws of this state relating to life insurance companies.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 3, 1875.

AN ACT

To amend section five hundred and fourteen of the Municipal Code. (Vol. 66 O. L., p. 236.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and fourteen of the act to provide for the organization and government of municipal corporations, passed May 7th, 1859, be so amended as to read as follows:

Section 514. Notice of the time and place of such application shall be given personally in the ordinary manner of serving legal process, to all the owners of the property sought to be appropriated, resident in the state, whose place of residence is known; and to all others, by publishing the substance of the application, with a statement of the time and place at which it is to be made, for three weeks next preceding the time of the application in some newspaper of general circulation in the county.

SEC. 2. Said original section five hundred and fourteen is hereby repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 4, 1875.

Service of
notice to
owners of
property.

AN ACT

To amend the sixth section of an act entitled "An act to provide for the recording of Town Plats," passed March 3, 1831, took effect June 1, 1831. (29 Vol. O. L., 350.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six of the above recited act be amended so as to read as follows:

Section 6. That all proprietors of lots or grounds in any city or town corporate in this state, who have sub-divided or laid out, or who shall hereafter sub-divide or lay out the same in lots for sale, shall cause accurate and true maps, or plats thereof, to be recorded in the office of the recorder of the county in which such town or city may be situated, which maps or plats so to be recorded, shall set forth and describe with certainty, all grounds laid out or granted for streets, alleys, ways, commons, or other public uses; and all the lots sold, or intended for sale by progressive numbers, or by the squares in which they are situated, and the precise length and width of each and every lot, and shall be acknowledged before a justice of the peace or some other officer authorized by law to take and certify acknowledgments of deeds, and shall be certified by the officer taking the same in the manner prescribed for the proof and acknowledgment of deeds; and

Plats of lots
or grounds
in cities or
towns, how
made out,
recorded, etc.

Must be approved by city or town council.

Penalty for recording before approval.

such map or plat so recorded shall be deemed a sufficient conveyance to vest the fee of the parcel or parcels of lands therein set forth and described, or intended to be for streets, alleys, ways, commons, or other public uses in such city or town corporate, to be held in the corporate name thereof in trust to and for the uses and purposes so set forth and expressed or intended; Provided, that no such plat of any addition located within the limits of any city or town corporate shall be so recorded until the same shall have been approved by the council of such city or town corporate.

SEC. 2. Any county recorder who shall record such plat before its approval by the city council shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than one hundred dollars and not more than five hundred dollars.

SEC. 3. Section six of the above recited act be and the same is hereby repealed.

SEC. 4. This act shall take effect on and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 4, 1875.

AN ACT

Providing for the erection of new buildings at the Ohio Penitentiary, and making partial appropriations for said institution for the year 1875.

New building for cells to be erected.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of directors of the Ohio penitentiary are hereby authorized and required to cause to be erected, as soon as practicable, an additional building of sufficient size to contain about five hundred modern cells, on the grounds now owned by the state and occupied by said penitentiary, and that they cause to be erected the said five hundred cells therein as soon as practicable. Said cells to be not less than eight feet long, five feet wide, and eight feet high, in two rows, with five feet space between; no part of said building or cells shall be let by contract, but said board of directors are hereby requested to use convict labor in their construction, as far as they can, with advantage to the state.

Premium for a plan to be offered.

SEC. 2. Said directors are hereby authorized to offer and pay any sum, not exceeding two hundred dollars, to any person who shall furnish the best plan and draft, including complete working plans of said building and cells; and said board are required, in the plan and construction of said building and cells, to secure light and ventilation as far as practicable;

and in the selection of materials, use such as are most convenient to the state, consistent with durability and safety.

SEC. 3. The said board are also required to build two shops of such size as in their discretion they may determine; and also a building or rooms for slaughtering purposes, rendering, and for manufacturing soap. Shops and slaughter-house to be built.

SEC. 4. There is hereby appropriated for the building of said cells, the sum of thirty-five thousand dollars; for the building of said slaughter-house, rendering-room and soap-house, the sum of six thousand dollars; and for the building of said shops, the sum of twelve thousand dollars. Appropriations.

Provisions and current expenses, twenty thousand dollars.

For payment of guards, seven thousand dollars; and for ordinary repairs, five thousand dollars.

Cost of prosecution and transportation of convicts to the Ohio Penitentiary, thirty thousand dollars.

SEC. 5. This act shall take effect on its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 4, 1875.

AN ACT

Limiting the powers of certain official boards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first class it shall be unlawful for any official board of any city to appoint any member of such board to any position within the gift of such board, or for any member of such board to receive any such position from such board which shall require an expenditure or the payment of any money from funds belonging to the city or any of its departments.

Unlawful for any official board to appoint a member to office.

SEC. 2. This act shall take effect from the date of its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 4, 1875.

AN ACT

To amend section twenty-five (25) of an act for the reorganization and maintenance of common schools, passed May 1, 1873, and amended March 30, 1874.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-five (25) of the above recited act be so amended as to read as follows:

How abandon-
ment or
change of
districts
shall be
effected

Section 25. Whenever the electors of any special district desire to abandon their organization and become a part of the township district of the township in which such special district is located, they may make such change in the following manner: written or printed notices shall be posted in at least five of the most places in said special district, signed by a majority of the members of the board, or one of the board and at least six resident electors of such special district requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notices, which notices shall be posted at least ten days prior to the day designated in them, then and there to vote for or against such change. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least two hours. The electors in favor of the proposed change shall have written or printed on their ballots the words "school—change;" and those opposed thereto the words "school—no change;" and a majority of the ballots so cast shall determine the question whether such change shall be made; said judges shall make due return of such election to the board of education of said special district within five days after holding the same, and if a majority of the votes cast shall be found to be in favor of said change, said special district board shall immediately certify this fact to the proper township board, who shall at once assume jurisdiction of all the territory of said special district, as a part of the township district, when said special district shall cease to exist; and it is hereby made the duty of all officers of said special district, having custody of any of its school funds or property, to transfer said custody to said township board, and the offices of said officers so surrendering their trusts, are hereby abolished so far as the same may relate to the special district so ceasing to exist; Provided, that the members of the board of education of said special district shall be local directors of the sub-district so created, each to serve the remainder of the term for which he shall have been elected to said special district board; Provided, further, that any debt that may have been contracted by said special district, shall be paid out of the funds transferred, as above said, and if said funds be not sufficient, the remainder shall be paid by a special tax on the property included in said special district.

Transfer of
funds to new
district.

SEC. 2. That section twenty-five (25) of the above recited act, as amended March 30, 1874, be and the same is hereby repealed.

SEC. 3. That this act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 4, 1875.

AN ACT

To amend section fifty-one of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873. (O. L., Vol. 70, p. 209.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fifty-one of the act for the reorganization and maintenance of common schools, passed May 1, 1873, be amended so as to read as follows:

Section 51. In any district composed in whole or in part of any city or incorporated village, the board of education may, at their discretion, provide a suitable number of evening schools for the instruction of such youth as are prevented by their daily vocations from attending day schools, subject to such regulations as said board, from time to time, may adopt for the government thereof. And in any district, except a township district, the board of education may, at their discretion, appropriate money from the local school funds for the purchase of books, other than school books, as said board may deem suitable for the use and improvement of the scholars and teachers of said district; Provided, that in no one year shall said appropriation exceed as follows, viz: In city districts of the first class, three hundred dollars; in city districts of the second class, one hundred and fifty dollars; and in other districts, seventy-five dollars; and all books so purchased shall constitute a school library, the control and management of which shall be vested in the board of education; Provided, that one-half of the amount above authorized may, at the discretion of such board of education, be expended in the purchase of philosophical or other apparatus, for the demonstration of such branches of education as may be taught in such schools.

Evening schools to be provided.

Purchase of books,

And philosophical instruments.

SEC. 2. That original section fifty-one be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 4, 1875.

AN ACT

To amend sections 16, 17 and 30 of an act entitled "An act to more effectually provide for locating, establishing and constructing ditches, drains and water-courses in townships, and to repeal certain acts therein named," passed April 18, 1874, (O. L., Vol. 71, p. 124), and to amend sections 6 and 7 of an act entitled "An act relating to ditches," passed April 12, 1871. (O. L. Vol. 68, p. 60.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixteen be amended to read as follows:

Probate
judge to
issue notice.

Service or
publication
of notice.

Section 16. It shall be the duty of the probate judge, upon the filing of such bond and transcript, as provided for in the fifteenth section of this act, to issue a notice and deliver the same to the appellants, returnable on a day not exceeding fifteen days, therein named, which notice shall specify the time of meeting of said parties before said court, for the purpose of hearing and determining all preliminary questions pertaining to such case. It shall be the duty of the appellants to serve said notice by copy on all persons interested in the location of said ditch, drain or water-course, residing within the county where said proposed ditch, drain or water-course is located, and if any person so interested reside out of the county, or cannot be served by a copy of said notice, said appellants shall cause such notice to be published for three consecutive weeks in some newspaper of general circulation in said county, that proof of the publication of such notice shall be filed in such probate court on or before the day fixed for the impaneling of the jury, together with proof of the service of such notice on all persons interested as aforesaid, at least three days before the time so specified; Provided, that in all cases where two or more persons shall have taken an appeal, according to the preceding section, the probate judge shall order the consolidation of such cases, and the rights of all the parties in interest shall be determined by the jury in the one case thus consolidated, and any one of the appellants shall be competent to give the notice required in this section.

SEC. 2. That section 17 be so amended as to read as follows:

Case to be
heard and
determined
by probate
judge.

Section 17. That at the time specified in said notice, said probate judge shall hear and determine all preliminary questions pertaining to such case, and if, on the hearing, he shall find that the proceedings in appeal have not been perfected according to this act, he shall dismiss the appeal at the cost of the appellant, and certify such dismissal back to the trustees of the township, who shall thereupon proceed as if no appeal had been taken; Provided, that such judge may, in his discretion, order and allow the correction of any technical defect, error or omission in making such appeal. But if

the probate judge should find the preliminary proceedings for appeal in conformity with the provisions of this act, he shall impanel a jury of twelve men, disinterested freeholders of the county, (who shall not be residents of such township) who shall constitute a jury for such case, and said probate judge shall issue, over his hand and seal of office, a notice of such appointment, directed to the sheriff of such county, returnable on a day, not exceeding forty days, therein named, which notice shall specify the time of meeting of said jury in said probate court, at which time said probate judge shall administer an oath to said jury, faithfully and impartially, and upon actual view of the premises along the route of such ditch, and at least two-thirds of said jury shall report in writing to said court: First, whether it will be conducive to the public health, convenience or welfare, to cause said proposed ditch, drain or water-course to be established or located; second, the amount of compensation due to each person in case of the location of the same; and, third, the amount of labor to be performed by each person interested in the opening and constructing of the same. That said report shall be filed with the probate judge by said jury, within nine days after taking such oath, unless for good cause the court allow further time.

SEC. 3. That section thirty be amended to read as follows:

Section 30. No order for the opening or sale of any ditch, or any part thereof, located and established under this act, shall be made until the full amount of such compensation for land appropriated shall have been paid or deposited.

SEC. 4. That sections sixteen, seventeen and thirty of the above recited act are hereby repealed.

SEC. 5. That section six of the act entitled "An act relating to ditches," passed April 12, 1871 (O. L., vol. 68, page 60), be so amended as to read as follows:

Section 6. It shall be the duty of the probate judge upon the filing of such undertaking and transcript, as provided in the preceding section, to docket the appeal entitling the case, the appellant plaintiff, and the county commissioners defendants, and fix a time not less than ten or more than twenty days from the entering of said appeal, for the hearing and determining all preliminary questions pertaining to said case. At the time specified for said hearing, the probate judge shall hear and determine all questions arising upon the record, and if he find that said proceedings are irregular in substance, or that the appeal has not been perfected according to law, he shall dismiss the appeal at the cost of the appellant, and certify such dismissal with his findings thereon back to the said commissioners; Provided, said probate judge may in his discretion order and allow the correction of any technical defect, error or omission in making such appeal.

SEC. 6. That section seven of said act, passed April 12, 1871, be so amended as to read as follows:

Section 7. If the probate judge shall find that the appeal has been properly taken, and that the proceedings have been regular and in conformity to law, he shall proceed to impanel

When jury to be impaneled.

Points to be determined.

No order for opening or sale of a ditch to precede payment.

Sections repealed.

Appeal to be docketed and time fixed for hearing, &c.

Jury for trial of appeal.

Oath of Jury.

a jury in the case in the same manner as is provided by law for the drawing and impaneling of a jury in cases of the condemnation of private property for the use of corporations in the act entitled "An act prescribing the mode of assessment and collection of compensation to the owners of private property appropriated by and to the use of corporations," passed April 23, 1872, and shall issue a venire therefor directed to the sheriff of the county, returnable on a day named therein, not exceeding ten days from the date thereof. On the appearance and impaneling of the jury, the probate judge shall administer to them an oath to faithfully and impartially view the premises along the route of said proposed ditch, and report their verdict in writing to said court whether it will be conducive to the public health and welfare, and whether the proposed route thereof is practicable, which said verdict shall be agreed upon and signed by at least two-thirds of said jury, and returned in open court; Provided, that after the view of the premises, and before verdict, the parties may offer evidence and be heard in person or by counsel before said jury.

Sections repealed.

SEC. 7. That sections sixteen, seventeen and thirty of the act of April 18, 1874, and sections six and seven of the act of April 12, 1871, as recited in the title to this act, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HARR,

President of the Senate.

Passed February 8, 1875.

AN ACT

To prohibit and punish certain offenses therein mentioned.

Unlawful to ride or drive into any railroad inclosure

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person or persons to ride or drive any horse or other domestic animal, or to knowingly permit any such animal to go into the inclosure of any railroad company, or other party, formed by fencing its line of road, as provided under the act of March 25th, 1859, for inclosing railroads by fences and cattle guards, and all acts amendatory thereof or supplementary thereto, at any other place than at a public or private crossing as provided for in said act, and for any purpose other than crossing said railroad lands; and it shall be unlawful for any person or persons to knowingly permit any such animal or animals to remain in such inclosure, or to leave the fence down at any private crossing on either side of said road for any longer time than is necessary in constructing or using said crossing, or to place any material upon the railroad track while constructing any private crossing, that will in any way or manner interfere with run-

ning trains over said road, or in any manner to move any tie in said road, or any iron forming any part of said road. Any person or persons violating either of the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than ten dollars, or imprisoned in the county jail not less than five nor more than thirty days, and shall also be liable to said railroad company or other party operating the same, for all damages they may sustain by reason of any such act, to be recovered in a civil action before any court having jurisdiction thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 8, 1875.

Penalty for
such a tree-
pass.

AN ACT

To amend section seven of "An act to provide for the election of Prosecuting Attorneys," passed April 30, 1858. (S. & C., 1225.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven of the above entitled act be amended to read as follows:

Section 7. That if the office of prosecuting attorney in any county in this state shall at any time become vacant by death, disability, removal or resignation, or from any other cause whatever, or if the prosecuting attorney shall at any time become, or be unable to discharge his duties by reason of sickness, the court of common pleas shall be and is hereby authorized to appoint a special prosecuting attorney, or an assistant prosecuting attorney, as the emergency may require, who shall be qualified and give bond as required by the third section of the act to which this is amendatory; and said special prosecuting attorney, or assistant prosecuting attorney, shall hold his office until the proper prosecutor shall resume his duties; and in case of death, resignation, removal from office, or removal out of the county, until the next annual state and county election succeeding his appointment, and until his successor shall be elected and qualified; and such special prosecuting attorney, or assistant prosecuting attorney, shall discharge the same duties as is or may be required by law of the prosecuting attorney, and shall receive such compensation as the county commissioners shall allow, and which shall be approved by said court; Provided, that where a special prosecutor shall be appointed to fill a vacancy in said office, his compensation shall not exceed in amount the salary for such period of the regular prosecuting attorney.

SEC. 2. That section seven of the above recited act be and the same is hereby repealed.

Vacancy in
office of pro-
secuting at-
torney, how
filled.

Term of
office.

Duties and
compensa-
tion.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed February 8, 1875.

AN ACT

To amend and repeal certain acts therein named.

Acts re-
 pealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first and third sections of an act entitled "An act to relieve district courts and to give greater efficiency to the judicial system of the state," passed April 12, 1858, (2 S. & C., 1155); and an act entitled "An act to amend section two of an act entitled an act to relieve district courts, and to give greater efficiency to the judicial system of the state," passed April 12, 1858, and supplementary to said act, passed March 31, 1859, (2 S. & C., 1159); and an act entitled "An act supplementary to an act to relieve district courts, and to give greater efficiency to the judicial system of the state," passed April 12, 1858, and of an act amendatory thereof, passed March 31, 1859, (2 S. & C., 1155-1159), passed May 13, 1861, (S. & S., 586); and an act entitled an act to amend section four of an act entitled "An act to amend section two of the act entitled "An act to relieve the district courts, and to give greater efficiency to the judicial system of the state," passed April 12, 1858, and supplementary to said act," passed March 31, 1859, (2 S. & C., 1159), passed May 1, 1862, (S. & S., 587); and an act entitled "An act to amend an act to establish the superior court of Cincinnati, passed April 7, 1854," passed March 3, 1860 (S. & C., 397), be and the same are hereby repealed; Provided, that the right to a second trial of any party, who, at or before the passage of this act, has entered of record notice of his demand for a second trial, according to the provisions of the statutes so repealed, shall in no wise be affected by this act.

Proviso, etc.,
 as to second
 trials.

SEC. 2. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed February 9, 1875.

AN ACT

To amend an amendment of section seven of an act to provide against the evils resulting from the sale of intoxicating liquors in the State of Ohio, passed May 1, 1854, (S. & C., 1431,) and amended April 18, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the amendment of section seven of the above recited act be amended so as to read as follows :

Section 7. That every husband, wife, child, parent, guardian, employer, or other person who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, such wife, child, parent, guardian, employer or other person shall have a right of action in his or her own name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part, of such person or persons; and the owner of, lessee or person or persons renting or leasing any building or premises, having knowledge that intoxicating liquors are to be sold therein in violation of law, or having leased the same for other purposes, shall knowingly permit intoxicating liquors to be sold in such building or premises, that have caused the intoxication, in whole or in part, of such person or persons, shall be liable severally or jointly with the person or persons selling or giving intoxicating liquors as aforesaid, for all damages sustained, as well as exemplary damages; and a married woman shall have the same right to bring suits and control the same, and the amount recovered, as a *femme sole*; and all damages recovered by a minor under this act shall be paid either to such minor, or to his or her parent, guardian or next friend, as the court shall direct; and the unlawful sale or giving away of intoxicating liquors shall work a forfeiture of all rights of the lessee or tenant under any lease or contract of rent upon premises where such unlawful sale or giving away shall take place; and all suits for damages under this act shall be by a civil action in any of the courts of this State having jurisdiction thereof; Provided, that such husband, wife, child, parent, guardian or other interested person liable to be so injured by any sale of intoxicating liquors to any person or persons aforesaid, shall desire to prevent the sale of intoxicating liquors to the same shall give notice either in writing or verbally, before a witness or witnesses, to the person or persons so selling or giving the intoxicating liquors, or to the owner or lessor of the premises wherein such intoxicating liquors are given or sold, or shall file with the township or corporation clerk in the township, village or city wherein such intoxicating liquor may be sold, notice to all liquor dealers not to sell to such person or persons any intoxicating liquors from and after ten days from the date of so filing such notice; and such notice or notices filed with such clerk, shall be entered by the clerk of such town-

Right of action for injury against person selling, etc.

Owner or lessee of building also liable.

Forfeiture of rights of lessee, etc.

Notice to persons selling, etc.

Notice may be filed with clerk.

Erasure of
notice on de
mand.

Penalty for
failure or
refusal to re-
cord notice.

Unlawful to
give public
notice of
such filing.

ship, city or village in a book to be kept for such purpose, which said book shall be open for the inspection of all persons interested; any notice entered in such book shall be erased and so obliterated as not to be legible by the officer having charge of the same, upon the demand of the person or persons by whom such notice was filed, and thereafter such notice shall cease and end; otherwise the aforesaid injured person or persons shall not be entitled to real or exemplary damages for the alleged injuries which they may have sustained by the intoxication of any of the aforesaid persons, viz: husband, wife, child, parent, guardian, employer, or any other person or persons whomsoever; Provided, that such notice whether served personally or filed with the clerk, as aforesaid, shall during its existence inure to the benefit of all persons interested, the same as if a notice had been served by each; and if any clerk shall fail or refuse to make such record as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction, shall be fined in any sum not exceeding twenty-five nor less than five dollars, and the same shall work a forfeiture of office held by such clerk.

SEC. 2. It shall be unlawful for any saloon keeper, grocer or other person to publish the fact that any notice has been given, as provided in the foregoing section, by posting such notice in any saloon, grocery, or other place, or by printing or causing the same to be printed in any newspaper, circular, or in any other way to give publicity to the fact that such notice has been given. Any person violating the provisions of this section shall, upon conviction thereof, in any court of competent jurisdiction, be fined in any sum not less than ten nor more than fifty dollars, and pay the cost of prosecution.

SEC. 3. That section seven of the above mentioned act be and the same is hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 18, 1875.

AN ACT

Granting the consent of the General Assembly of the State of Ohio, to the Government of the United States, to acquire by purchase or otherwise, lands within the State of Ohio needed for the improvement of the navigation of the Ohio river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the consent of the general Assembly of the state of Ohio, be and the same is hereby given to the*

government of the United States to acquire by purchase, gift, condemnation or other lawful means, any tract, parcel or piece of land within the state of Ohio needed for the public use of the United States in the improvement of the navigation of the Ohio river; and all deeds or other assurances of law for the same, shall be recorded in the proper recorder's office of the county in which such lands may lie. The consent hereby given being in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States, and with the acts of congress in such case made and provided, so far as necessary for the enjoyment and protection of the United States in the use of the property thus acquired or to be acquired for the use and purposes above named.

SEC. 2. The lands so acquired or to be acquired by the United States for the purposes aforesaid, shall be held exempt from taxation by the state of Ohio, while used for such purposes, and from the control of the state of Ohio, inconsistent with the uses and purposes for which such lands are or may be acquired, but not otherwise exempted.

SEC. 3. This act to take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 18, 1875.

United States may acquire lands, etc., for improvement of Ohio river.

Lands so acquired to be exempt from taxation.

AN ACT

To amend an act entitled an act supplementary to the several acts relating to the collection of Delinquent Taxes, passed April 6, 1874. (O. L., Vol. 71, page 83.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be so amended as to read as follows:

Section 1. That when any taxes or assessments shall stand charged against any person or corporation upon the tax duplicate, or special duplicate of any county of this state, for state, county, or any other purpose, authorized by law, and the same shall not be paid within the time prescribed for the payment of such taxes and assessments, the treasurer of such county, in addition to any other remedy provided by law for the collection of such taxes and assessments, is hereby authorized to commence a civil action in the name of the treasurer of such county against such person or corporation for the recovery of such unpaid taxes or assessments, in any of the courts of this state having jurisdiction of the subject matter; and it shall be sufficient for such treasurer to allege in his petition that such person or corporation stands charged

Civil action for delinquent taxes authorized.

Requisite allegations.

Rendition of
judgment,
etc.

upon the duplicate of said county with said taxes or assessments, that the same are due and unpaid, and that such person or corporation is indebted in the amount appearing to be due upon said duplicate, without setting forth in his said petition any other or further special matter relating thereto; and if on the trial of said action it shall be found that such person or corporation is so indebted, judgment shall be rendered in favor of such treasurer so prosecuting said action as in other cases, and the judgment debtor shall not be entitled to the benefit of the laws for stay of execution or exemption of homestead, or any other property from levy or sale on execution in the enforcement of any such judgment.

SEC. 2. That original section one be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 18, 1875.

AN ACT

Providing the mode of holding Courts of Common Pleas and for apportioning the labor to the Judges thereof.

Amount of
business in
each county
to be ascer-
tained.

Judges to de-
termine what
terms shall
be held, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the courts of common pleas in this state, except as otherwise may be provided by law, on or before the third Tuesday in October in each year, and at the time they determine the times of the commencement of the terms of the district court, and of the several terms of the court of common pleas in their respective districts, as is or may be provided by law, shall also ascertain, as early as may be, the probable amount of business in each county of their judicial districts for the ensuing year, and shall apportion the labor of holding said courts of common pleas equally between the judges of each district; and said judges, or a majority of them, in each common pleas district, at the time of issuing their written order to the clerk of the court of common pleas of each and every county in their said district, fixing the time of the commencement of the terms of said courts for the ensuing year, shall specify in said order what terms or parts of terms of said court of common pleas shall be held by each judge of said district in accordance with the apportionment of labor between said judges, as aforesaid, and that in arranging the division of labor by the judges, they shall, as far as necessary, so arrange the same as to have courts held by judges in counties in which the judge holding the same is not a resident; Provided, that not less than two hundred and forty days of open session of the court of common pleas shall be held by each judge during the year, unless all the business

assigned him be sooner disposed of, and also designate one of their number whose duty it shall be to supervise the execution of the aforesaid order when so made by a majority of the judges.

SEC. 2. When the judge as aforesaid to supervise the execution of the said order of said judges shall receive satisfactory information that by reason of illness or other disability of any judge of the court of common pleas who may have been assigned to hold the term or a part thereof in any county, is unable to perform such duty, or when an unusual amount of business shall occur in any county over and above the business in other counties of the district which was not taken into consideration in apportioning the labor, the judge so assigned to such supervising duty shall designate and assign any judge or judges of said district who may not be for the time being engaged in holding any court, to the discharge of the duties of such disabled judges during the terms of such illness or disability, or to aid in trying and disposing of such unusual labor which was not considered in making said apportionment, so far as may be, and thereupon such judge so designated, upon receiving notice thereof from the judge so assigned to such supervisory duty as aforesaid, shall proceed to hold the courts, to the holding of which he or they have been thus assigned.

Assignment
of judges in
special cases.

SEC. 3. To carry into effect, as far as possible, the provisions of this act, for the year A.D. 1875, the first meeting of the judges as provided for in the first section of this act, shall be held on the last Monday in March next, and thereafter as provided in said first section.

First meet-
ing of judges
under this
act.

SEC. 4. This act shall be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 23, 1875.

AN ACT

To authorize the votes of stockholders of certain incorporated companies to be cast by proxy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That at all meetings of stockholders of railroad and mining companies, the vote of any stockholder not present may be cast by proxy.

Votes may be
cast by proxy
at all meet-
ings of stock-
holders.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 23, 1875.

AN ACT

To amend an act entitled an act to authorize counties, townships, cities and incorporated villages to issue bonds in certain cases, passed March 10, 1860. (Volume 57, Ohio Laws.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above entitled act be so amended as to read as follows :

Bonds may
be issued in
lieu of un-
paid bonds.

Section 1. That it shall be lawful for the commissioners of any county, the trustees of any township, and the council of any city or incorporated villages, which may have heretofore, in pursuance of any law, issued bonds in aid or for the purpose of public improvements, and which bonds are now due and unpaid, to issue other bonds not exceeding in the amount the principal of such bonds so due and unpaid.

SEC. 2. That original section number one of the above recited act be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed February 25, 1875.

AN ACT

Supplementary to an act entitled "An act for the relief of the poor, etc.," passed April 26, 1872. (O. L., vol. 69, p. 115); and to amend section 32 of an act passed April 26, 1872. (O. L. 69, p. 124.)

Reserve fund
for use of in-
firmmary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties where there is a county infirmmary, that the county commissioners of said county may, at the request of the infirmmary directors, set apart such sum as they shall deem sufficient, but not to exceed two hundred dollars (\$200), as a reserve fund, for the use of the infirmmary. That said reserve fund shall be paid to the superintendent of the infirmmary, and by him expended, under the directions of the directors, for such immediate and pressing supplies as to them shall seem fit. The said superintendent shall keep an accurate account of such expenditures, which shall be audited by the directors from time to time, and a voucher drawn on the county auditor to replace such amount so drawn to the full amount of such reserve fund. The superintendent shall be required to give bond, with sufficient security, to be approved as his official bond is now executed and approved,

for the faithful management of said reserve, and for its payment into the treasury, when directed by the commissioners, or for the payment of the whole or any unexpended part to his successor in office.

SEC. 2. That section 32 of the act passed April 26, 1872, entitled an act for the relief of the poor, etc., be amended so as to read as follows:

Section 32. That the auditor of a county in which a county infirmary is situated, shall receive any vouchers given by the directors, and countersigned by the superintendent, to any person or persons, other than the directors themselves, for labor, provisions, medical attendance, or supplies of any kind furnished to said institution, and shall give such person an order on the county treasury for the proper amount; and such voucher shall show the specific item or items allowed by said directors, or shall be accompanied by a written statement showing the items so allowed.

Orders on
county treas-
ury for ex-
penses.

SEC. 3. That whenever the net proceeds arising from the sale of any property belonging to any pauper, shall be applied to the support of any pauper inmate of said infirmary, as provided by law, the said directors shall proceed to open an account with said pauper, and give him credit for the said proceeds, and charge him with board, and such specific items furnished for his exclusive use; and such amount, when delivered from time to time, shall be paid into the county treasury, and placed to the credit of the poor fund of said county.

Accounts
with paupers

SEC. 4. That hereafter the directors of said infirmary shall make the reports in writing, as required by section 25 of said act; but the report required in September shall embrace the transactions of the whole year, and include the transactions of the six months required to be made on the first Monday of March.

Semi-annual
reports.

SEC. 5. That original section 32 be repealed, and that this act shall be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed February 26, 1875.

AN ACT

To repeal the act entitled "An act defining the jurisdiction of the Probate Court in the county of Mercer, in minor criminal cases," passed April 12, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act defining the jurisdiction of the Probate Court, in the county of Mercer, in minor criminal cases, passed April 12, 1871, (O. L. Vol. 68, p. 58), be and the same is hereby repealed.

Relative to
probate
court in Mer-
cer county.

As to pending cases.

SEC. 2. All cases pending in the Probate Court of Mercer county, by virtue of the act repealed by the foregoing section, at the time of taking effect of this act, shall be transferred to the Court of Common Pleas of said county, there to be disposed of according to law.

SEC. 3. This act shall take effect on its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed February 26, 1875.

AN ACT

To provide for appeals in civil actions taken from the mayor of any city or incorporated village situated in two or more counties.

Civil actions before mayors of corporations extending into two or more counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any civil action shall be brought before the mayor of any city or incorporated village extending into two or more counties, all appeals to any higher court shall be taken to the county where the defendant resides; Provided, that nothing herein contained shall be construed to permit an appeal to any county no part of which lies in such municipal corporation.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed February 26, 1875.

AN ACT

Supplementary to an act passed February 15, 1863, and supplementary to an act entitled, "An act for the encouragement of agriculture," passed February 28, 1846.

Relative to incumbrance of county fair grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the county commissioners of any county have paid, or shall hereafter pay, any sum of money out of the county treasury for the purchase of any real estate, or site for any agricultural society whereon to hold its fairs, it shall be unlawful for any such society, after having received any such money out of the county treasury, to encumber any such real estate with any debt, either by mortgage or otherwise, without the consent of the county commissioners.

SEC. 2. This act shall take effect from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Passed February 26, 1875.

AN ACT

Supplementary to an act entitled "An act to provide for the organization of Municipal Corporations," passed May 7, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any incorporated village heretofore existing as such, in which the council of such incorporated village, without a petition of the electors of such incorporated village, and without submitting their action to the legal voters thereof, as required by law, did, by resolution declare such incorporated village changed or reduced to the grade of an incorporated village for special purposes; and in case, in accordance with such action of such council, there have been elected the proper officers of an incorporated village for special purposes, who thereupon assumed to act as such officers, any such incorporated village shall be deemed and held, notwithstanding the irregularities aforesaid, an incorporated village for special purposes, the same as if the statutes in such cases made and provided for a change of grade had been fully complied with.

Relative to
change or re-
duction of
grade of vil-
lages.

SEC. 2. All the official acts of such officers of incorporated villages for special purposes as aforesaid, shall be held as true and valid in law as though said change of grade had been made in strict conformity to the provisions of law.

Validity of
official acts
in such vil-
lages.

SEC. 3. This act shall take effect from its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Passed February 26, 1875.

AN ACT

To amend "An act to amend section one of an act entitled an act to authorize the county commissioners to appropriate as county roads, turnpike and plank-roads, that have been, or hereafter shall be abandoned, passed March 13, 1862, passed April 2d, 1866. (S. & S., 679.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be so amended as to read as follows:

Forfeiture of
franchises
by abandon-
ment, etc.

Section 1. That any turnpike or plank-road company, created or existing by virtue of any law of this State, which shall have neglected or hereafter shall neglect to elect its officers, and keep its road in repair for the period of one year, shall be deemed and held to have abandoned the same; and all persons owning the right to take tolls on such road, or owning any other right, franchise or interest in such road, of any such company so neglecting to elect its officers and keep the road in repair for the period of one year, who shall themselves, or by their agents or trustees having the management or control of such road, have neglected, or shall hereafter neglect, to keep the same in repair for the period of one year, shall be deemed and held to have lost and abandoned all their said rights, interests and franchises therein.

SEC. 2. This act shall take effect and be in force from and after its passage, and the above recited act, to which this is amendatory, is hereby repealed.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed February 26, 1875.

AN ACT

To provide for the punishment of the careless use of
Firearms.

Penalty for
pointing fire-
arms at any
person.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person to intentionally, without malice, point or aim, any firearms at or toward any other person, and every person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than fifty dollars and not less than five dollars.

Penalty for
discharging
firearms aim-
ed at any
person.

SEC. 2. Any person who shall discharge, without injury to any other person, any firearms, while intentionally, without malice, aimed at or towards any person, shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not more than one hundred dollars, or imprisonment in the county jail not to exceed three months, or both, at the discretion of the court.

Penalty for
injury in-
flicted.

SEC. 3. Any person who shall maim or injure any other person by the discharge of any firearm, pointed or aimed intentionally, but without malice, at any such person, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars, or imprisonment in the county jail for a period of not more than one year, or both, at the discretion of the court.

Exemption
in case of
self-defense,
etc.

SEC. 4. This act shall not apply to any case where firearms shall be used in self-defense, or in the discharge of official duty, or any case of justifiable homicide.

SEC. 5. This act shall take effect and be in force from its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 2, 1875.

AN ACT

Amendatory to an act, entitled an act for the reorganization of common schools, passed May 1, 1873.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty-two of the above entitled act be so amended as to read as follows:

Section 32. The said board shall prepare or cause to be prepared, a map of their township as often as they deem necessary, on which shall be designated the sub-districts of the township, which they may change or alter at any regular session, and the number assigned to each; but no sub-district shall contain less than sixty resident scholars by enumeration, except in cases where, in the opinion of the board or General Assembly, it is necessary to reduce the number; whenever the board of education of any township district shall consolidate two or more sub-districts, to form a new sub-district, or the General Assembly shall make a new sub-district, said board shall call a special meeting of the qualified electors resident in said new sub-district, for the purpose of electing three local directors for the same; at least five days before the time fixed for said meeting said board shall post, in three of the most public places in said new sub-district, written or printed notices, stating the time, place, and object of holding said meeting; the election at such special meeting shall be conducted as provided in sections twenty-seven and twenty-eight of this act; Provided, that three local directors shall be elected, one to serve for one year, one to serve for two years, and one to serve for three years from the annual election next preceding the organization of said new sub-district; and that the terms of office of the local directors of the sub-districts so consolidated or made shall expire at the time such new district shall have been created; and any sub-district which may be made or established by a general or local act of the General Assembly, shall be governed by the provisions of this act, except that it cannot be changed, altered or consolidated by the board of education until after the expiration of three years after it has been so made or established.

Map of township.

Size of sub-districts.

Consolidation of sub-districts.

Election of local directors.

Government of new sub-districts.

SEC. 2. That said original section thirty two be and the same is hereby repealed.

SEC. 3. That this act be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 3, 1875.

AN ACT

To amend "An act to amend section fourteen of an act directing the mode of trial in Criminal Cases," passed March 7, 1831, as amended by an act passed March 14, 1862, as amended by an act passed February 1, 1864, (S. & C., 1188; Swan's R. S., 725; 59 vol. stat. 26; S. & S., 612), passed April 18, 1870. (O. L., vol. 67).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteen of the above recited act, passed March 7, 1831, as amended by said act, passed April 18, 1870, be amended so as to read as follows:

Assignment
of counsel in
capital cases.

Section 14. The court before whom any person shall be indicted for an offense, which is capital or punished by imprisonment in the penitentiary for life, is hereby authorized and required, to assign to such person counsel, not exceeding two, if the prisoner has not the ability to procure counsel, and they shall have access to the prisoner, at all reasonable hours; and it shall not be lawful for the county auditor of any county in this state to audit or allow any account, bill or claim hereafter presented by an attorney or counsellor at law for services performed under the provisions of this section, until said account, bill or claim shall have been examined and allowed by the county commissioners of the proper county and the amount so allowed for such services, certified by said commissioners; Provided that no such account, bill or claim shall in any case of homicide exceed one hundred dollars; and provided further, no such account, bill or claim shall in any other case exceed fifty dollars.

Limitation
of allowance.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 3, 1875.

AN ACT

To amend sections seven hundred and twelve (712) and seven hundred and sixteen (716) of an act to provide for the organization and government of municipal corporations, passed May 7, 1869, and to amend section seven hundred and fifteen (715) of the above entitled act, as amended April 20, 1871. (O. L., vol. 68, p. 70.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections seven hundred and twelve and seven hundred and sixteen of an act to provide for the or-

ganization and government of municipal corporations, passed May 7, 1869, and section seven hundred and fifteen of the same act, as amended April 20, 1871, be amended so as to read as follows:

Section 712. If the majority of votes cast at said election shall be "for surrender," then the council shall by resolution, declare in effect that, by the determination of legal voters at a special election held for such purpose, the corporate rights of such corporation are surrendered, or that such city is reduced to the grade of an incorporated village, and shall thereafter be known as the incorporated village of _____, according to the fact; Provided, however, that such surrender shall in no manner whatever interfere with the organization of the school district under whatever law the same may have been organized in such corporation, and such school district shall remain intact and wholly unaffected thereby, in all respects as though no surrender had been made.

Declaration on affirmative vote for surrender, or reduction of grade.

Section 716. The surrender of corporate rights, as herein provided, shall not be held to affect rights accrued or liabilities incurred, by such corporations, or the power to settle claims, dispose of property, levy and collect taxes to discharge liabilities incurred, but the same shall remain in full force and effect, as also the corporate character of such city or village for special purposes, in respect thereto, as though no surrender had been made; Provided, however, that when such petition is by an incorporated village, or an incorporated village for special purposes for the entire surrender of its corporate rights, it shall be unlawful for such corporation, or the council thereof, after the presentation of such petition, to incur or create any new debts or liabilities whatever, or enter into any new contracts, or increase the debts or liabilities of such corporation in any manner during the pendency of such petition and until the result of such election is declared, nor thereafter if a majority of votes cast at such election shall be "for surrender" and all debts or liabilities incurred, or contracts made, contrary to the provisions of this act, shall be utterly void and of no effect whatever.

Surrender of corporate rights not to affect accrued rights, etc.

Section 715. Incorporated villages may surrender their corporate rights, or may be reduced to the grade of incorporated villages for special purposes, and incorporated villages for special purposes may surrender their corporate rights in the same manner, so far as applicable, as provided in the preceding sections in this chapter for the surrender of corporate rights by cities of the second class, and the duties of all officers in respect thereto and proceedings thereafter, so far as applicable, shall be the same as prescribed in the preceding section. Where the petition is by the electors of an incorporated village, or an incorporated village for special purposes, it shall be sufficient if signed by a majority of such electors, if such electors be less than one hundred; but if such electors be one hundred or more, then by not less than fifty of such electors; Provided, further, that the petition of at least two-thirds of the freehold electors inhabiting any portion of the territory of an incorporated village, setting forth a desire to surrender their

Surrender of corporate rights of villages, etc.

Collection of
levies.

corporate rights, and to be detached from said corporation, the same proceedings as provided in this chapter, as far as applicable, including a submission of the question to the legal voters of the incorporated village, shall be had; and, provided further, that on the reduction of the incorporate limits, subsisting levies by the council shall be collected and paid into the village treasury for the purposes for which they were made, and that the council, for paying existing indebtedness shall, until the same shall be paid, retain the power of levying taxes on the taxable property within the detached territory, as if the same had not been detached, and the provisions of sections 716 and 717 of this act shall govern in case of such reduction, so far as the same may be applicable.

Repeal.

SEC. 2. That said original sections seven hundred and twelve (712) and seven hundred and sixteen (716) of an act to provide for the organization and government of municipal corporations, passed May 7, 1869, and section seven hundred and fifteen (715) of the same act, as amended April 20, 1871, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 3, 1875.

AN ACT

For the better regulation, organization and government of religious societies.

Incorporations of religious societies may reorganize under general laws.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any religious sect, denomination or association whatever, which heretofore has incorporated under any special charter or law of this State, is hereby authorized by the passage of a resolution, by a majority of the members and officers of such sect, denomination or association, at any meeting thereof, to abandon its organization under the special act or charter, and declaring their desire to reorganize under the general laws of the State for incorporation of religious societies, to incorporate under such general laws, by complying with their provisions.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 4, 1875.

AN ACT

To amend section ten of an act entitled an act for the maintenance and support of Illegitimate Children, and to repeal said section so amended, passed April 3, 1873. (O. L., vol. 70, page 113).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section ten of the above recited act be amended so as to read as follows:

Section 10. That in case the jury find the defendant guilty, or such accused person before the trial shall confess in court that the accusation is true, he shall be judged the reputed father of such child, and shall stand charged with the maintenance thereof in such a sum or sums as the court shall order and direct, with payment of costs of prosecution; and the court shall require the reputed father to give security to perform the aforesaid order; and in case the said reputed father shall neglect or refuse to give security as aforesaid and pay the costs of prosecution, he shall be committed to the jail of the county, there to remain till he shall comply with the order of the court; Provided, that such putative father, after being confined in prison for the period of three months for not complying with the sentence and order of the court, as in this section provided, shall be entitled to the benefits of the prison rules and the act for the relief of insolvent debtors, in the same manner and upon the same principles as persons imprisoned for debt; and, provided further, that before such putative father shall receive and be entitled to the benefits of such prison rules for the relief of insolvent debtors, he shall give at least three days' notice to complainant or complainants, her or their attorney, of his intention so to apply for the benefit of said insolvent act.

Guilty party to be judged father of child, and must give security, etc.

Relief after imprisonment.

SEC. 2. That section ten be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 4, 1875.

AN ACT

To amend section 247 of the Code of Civil Procedure, (S. and C. p. 1018).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Section 247 of "An act to establish a code of civil procedure," passed March 11, 1853, (S. and C., 1018), be so amended as to read as follows:

How injunction or restraining order enforced.

Breach of, how punished.

Section 247. An injunction or restraining order granted by a judge may be enforced as the act of the court. Disobedience of an injunction or restraining order may be punished as a contempt by the court, or any judge who might have granted it in vacation. An attachment may be issued by the court or judge upon being satisfied by affidavit of the breach of the injunction, or restraining order, against the party guilty of the same; and he may be required by the court or judge to pay a fine not exceeding two hundred dollars, for the use of the county, to make immediate restitution to the party injured, and give further security to obey the injunction, or restraining order; or in default thereof, he may be committed to close custody until he shall comply with such requirement, or be otherwise legally discharged.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President of the Senate pro tem.

Passed March 12, 1875.

AN ACT

To amend an act entitled an act to amend section eight of an act entitled an act for the prevention of gambling, passed April 29, 1873. (O. L. vol. 70, p. 191.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight of the above recited act be so amended as to read as follows:

Penalty for gambling, or aiding or abetting thereof.

Section 8. That if any person or persons shall keep or exhibit for gain any gambling table (except billiard table,) or faro or keno bank, or any gaming device, or machine of any kind or description, under any denomination or name whatsoever, or if any person or persons shall keep or exhibit any billiard table for the purpose of betting and gambling, or shall allow the same to be used for any such purpose, or if any person shall act as "backers" or "cappers" for any of the above mentioned games, or either directly or indirectly induce any other person or persons to play at or engage in the same, every such person so offending shall, on conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, or both, at the discretion of the court, for every such offense, and in the event there shall be found in the possession of any person or persons, arrested under the provisions of this act, any "combination box" or cards having upon them any unusual or secret mark or device by which one may be distinguished from another, the person or persons so arrested shall each be fined not less than five hundred dollars and be imprisoned

Cheating devices, how punished.

not less than ninety days, and shall, moreover, find security for his or their good behavior as to a violation of the provisions of this act, for the period of one year, in the sum of five hundred dollars, and in all cases of conviction, under the provisions of this act, it shall be the duty of the court to order the person or persons so convicted to stand committed until the fine and costs are paid.

Convict to be committed until fine and costs are paid

SEC. 2. That the above recited act be and the same is hereby repealed; Provided nothing in this act shall be so construed as to effect [affect] pending or existing prosecutions or proceedings

SEC. 3. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 12, 1875.

AN ACT

To amend an act to provide for the organization and government of municipal corporations, passed May 7, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one hundred and sixty-eight and one hundred and seventy-one of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, be and the same are hereby amended so as to read as follows:

Section 168. He shall have power to hold a court, to be styled "The Police Court," which shall be a court of record; it shall have a seal, to be provided by the city council, with the name of the state in the center, and the style of the court around the margin; he shall have power to issue process, to preserve order and punish contempts, to summon and impanel jurors, to grant new trials and motions in arrest of judgment, to suspend execution of a sentence upon notice given of an intention to apply for a writ of error, and such further powers incident to a court of common pleas as may be necessary for the exercise of the jurisdiction herein conferred.

Police judge may hold police court; his powers.

Section 171. The police court shall always be open for business, but may adjourn from day to day, or from time to time, and shall be considered as holding monthly terms, each commencing on the first Monday of the month. The mode in which business shall be brought before the court shall be fixed by ordinance of the city council or rule of the court.

Police court to be always open, etc.

SEC. 2. That sections 168 and 171 be and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 15, 1875.

AN ACT

Supplementary to an act entitled "An act to amend sections sixty-six, sixty-seven and seventy of the act entitled 'An act to provide for the creation and regulation of incorporated companies in the State of Ohio,'" passed May 1, 1852. (S. & C. stat., 305), and to repeal a certain act amendatory thereto, passed January 26, 1865. (O. L., 62, page 4). (S. & S., page 239).

Extension of provisions to patrons of husbandry.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the above recited act shall be extended so as to include societies of the Patrons of Husbandry, and that whenever any such society shall comply with the provisions of said act, it shall be considered to be lawfully invested with all the powers, privileges and immunities granted by said act, to which this is supplementary.

SEC. 2. That this act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 12, 1875.

AN ACT

Supplementary to an act entitled "An act for the protection of certain burial grounds," passed April 18, 1874. (O. L. vol. 71).

Inclosure, etc., of burial grounds on lines of adjoining townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where any burial ground is located on the township line of adjoining townships, and used jointly by said townships for burial grounds, that the trustees of said townships shall have the power to inclose said burial grounds with a substantial fence or hedge, and keep the same so in-

closed and in good repair, and to levy a tax for that purpose not to exceed one-fourth of one mill in any one year, upon all the taxable property of their respective townships.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 12, 1875.

AN ACT

Amendatory of and supplementary to an act supplementary to an act entitled an act for the punishment of crimes, and of the several acts amendatory and supplementary thereto, passed April 7, 1863. (S. & S., p. 610.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be amended so as to read as follows :

SEC. 2. In all cases in which courts of common pleas, probate courts, police courts, or justices of the peace, or mayors of cities or incorporated villages, shall have power to fine any offender, and shall have rendered judgment for such fine, it shall be lawful to issue execution for the same, with costs taxed against the party offending, to be levied on the goods and chattels of such offender, and for want thereof upon the body of said offender; and it shall be lawful for the officer in whose hands such execution shall have been placed for service to pursue and arrest such person in any county in the state, and him to convey to the county whence said execution issued, there to be committed to the jail of said county until the fine and costs be paid or secured to be paid, or the offender otherwise discharged according to law; Provided, that this act shall not extend to crimes punishable by imprisonment in the penitentiary.

Execution for fines and costs for minor offences authorized.

Convict liable to arrest in any county in the state.

SEC. 2. When the offending party against whom a judgment has been rendered for any fine or costs, as mentioned in the preceding section has left or shall reside out of the county in which such judgment was rendered, it shall be lawful to issue such execution as aforesaid therein, directed to the sheriff of the county where such offending party shall reside, or may be found, or where he may have property; and it shall be the duty of such sheriff to serve such execution according to the commands thereof, and when the same shall be served by taking the body of the offender, it shall be the duty of such sheriff to convey such offender to the county whence such execution is issued, and commit him to the jail thereof, and deliver to the sheriff of said last named county a certified copy of such execution, whose duty it shall be to

Execution may be levied in county where convict resides or has property.

Sheriff's duty

hold and imprison such offender in accordance with the statutes in such cases made and provided, until such fine and costs are paid, or secured to be paid, or he is otherwise discharged according to law.

SEC. 3. Said section two of the above recited act is hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 15, 1875.

AN ACT

Supplementary to an act entitled "An act to amend the forty-fifth section of the act entitled 'an act to incorporate the State Bank of Ohio, and other banking companies,'" passed April 14, 1857. (S. & C., 156;) and to "an act to amend an act entitled an act to authorize free banking," passed March 16, 1865.

Banking
companies
authorized to
demand re-
linquish-
ment of se-
curities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all independent and free banking companies, and the State Bank of Ohio and its branches, and their assignees and successors respectively, organized under the provisions of an act entitled "An act to incorporate the State Bank of Ohio and other banking companies," and an act entitled "an act to authorize free banking," and having complied with the provisions for relinquishing business required by the above recited acts, and having redeemed at least ninety-five per cent. of their authorized circulation, may, on or after the first day of January, eighteen hundred and eighty (1880), demand of the auditor of state, and said auditor is hereby authorized and required to relinquish to such companies on such demand any bonds or securities he may hold as security for the redemption of any outstanding circulating notes of such companies, and thereafter the affairs of such companies shall be considered closed; Provide*d,* that nothing herein shall be so construed as to excuse the redemption of all of said circulation that may be presented for redemption prior to the first day of January, 1880.

Redemption
of circulation
not excused
before 1880.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 15, 1875.

AN ACT

To authorize the Board of Public Works to lower and enlarge two culverts under the canal, in the village of Canal Winchester, in Franklin county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works is hereby authorized and directed to lower and enlarge two culverts under the canal in the village of Canal Winchester, Franklin county, to such a depth and size as the agricultural interest and the health of the locality requires; Provided, that said change is not to be made until an agreement in writing has been obtained from the lessees of the said canal that they will not claim any damages resulting therefrom.

Culverts to be lowered and enlarged.

SEC. 2. Said board of public works are authorized to let the whole or any part of said work by contract to the lowest responsible bidder, or cause the same to be done under the supervision of some judicious and competent superintendent, as they may deem best for the interest of the state.

Work may be let by contract to lowest bidder

SEC. 3. To enable the board of public works to carry into effect the provisions of this act, a sum of money not exceeding nine hundred and fifty dollars is hereby appropriated to be drawn out of the general revenue fund on the certificate of said board.

Appropriation therefor.

SEC. 4. This act shall be in force on and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

E. D. POTTER,

President pro tem. of the Senate.

Passed March 15, 1875.

AN ACT

To amend an act entitled "An act amendatory to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852; passed April 18, 1856; passed April 14, 1870. (Page 57, Laws of Ohio, 1870.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the above recited act shall be so amended as to read as follows:

Section 1. That any number of persons not less than three may associate themselves together, as provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1,

Incorporations authorized for hydraulic purposes.

Also for
steamboats,
railways,
and dry
docks.

Printing,
publishing,
quarrying,
mining, etc.

1852, for the purpose of constructing and maintaining a canal or canals for hydraulic purposes, with necessary culverts, water-ways and fixtures; building and repairing steamboats and other water-craft; constructing, building and repairing railways, roads and canals; erecting and maintaining tanks for the storage of oil; building and operating dry docks and marine railways; printing and publishing a newspaper or newspapers, or books or other publications; quarrying stone, marble or slate; boring or digging for oil, salt, or for other vegetable, medicinal or mineral fluid in the earth, and for refining or purifying the same; mining coal, ores, and other minerals, or manufacturing the same in whole or in part, or both, and carrying on business usually connected with the main objects of the corporations aforesaid; and when organized shall be a body corporate, having all the privileges, immunities and powers conferred upon manufacturing companies by said act, and shall be governed in all respects by the provisions of said act, and the acts supplementary and amendatory thereto.

SEC. 2. That the first section of the act hereby amended be and the same is hereby repealed.

SEC. 3. This act to be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 15, 1875.

AN ACT

To authorize the Board of Public Works to construct a culvert across the national road in Deercreek township, Madison county.

Culvert to be
constructed
in Madison
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are hereby authorized and directed to construct a culvert across the national road, in Deercreek township, Madison county, being about four and one-half miles west of the village of West Jefferson in said county, at a point near where the lands of Catharine Flanagan, Jonathan Booth, George Carter and Cornelius Bradley adjoin and corner. Said culvert to be lowered sufficiently for the drainage of the lands adjoining.

Work may be
let to the
lowest bidder.

SEC. 2. Said board of public works are authorized to let the whole or any part of said work by contract to the lowest responsible bidder, or cause the same to be done under the supervision of some judicious and competent engineer, as they may deem best for the interest of the state.

SEC. 3. To enable the board of public works to carry into effect the provisions of this act, a sum of money not exceeding two hundred dollars is hereby appropriated from the general revenue fund.

Appropriation therefor.

SEC. 4. This act to take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 17, 1875.

AN ACT

To amend sections one and four of an act entitled an act to provide for the repair of free turnpike roads in certain counties, and to authorize the county commissioners of any county in this state to constitute a board of directors to regulate the hauling of heavy burdens on any free turnpike or improved road, passed and took effect April 20, 1874. (O. L., vol. 71, p. 120).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one and four of the above recited act shall be amended so as to read as follows:

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That, by virtue of their office, the commissioners of any county having a population of more than eighteen thousand seven hundred (18,700), and less than twenty-two thousand (22,000); also counties having a population of more than twenty-nine thousand one hundred (29,100) and less than thirty-two thousand seven hundred and fifty (32,750), at the last federal census, are hereby constituted a board of turnpike directors, under whose management and control all the free turnpikes in such county shall be exclusively vested. That it shall be the duty of such directors, at their first meeting of such board, to divide the county into three districts as near equal in number of miles of turnpike and conveniently located as may be practicable; and each director shall have the personal supervision of one of such districts, subject to all rules and regulations that may be from time to time agreed upon by said board. It shall be their duty to hold a meeting as such board at such time within sixty days after the passage of this act as they may determine, and at least once in three months thereafter, at their office at the county seat of the county, and shall be governed in all transactions of business by the rules governing county commissioners. They shall have power to appoint suitable persons to superintend the work of repairs on the several turnpikes, and a suitable person to serve as clerk of such board, who shall record all

County commissioners to constitute a board of directors in certain counties.

Their duties.

Their powers.

- the proceedings of said board in a book to be provided for such purpose by the county commissioners, which shall be open for examination to all persons interested on all proper occasions ; they shall cause notice to be published in at least one newspaper of general circulation in the county, of such rules as may adopted for the regulation of labor and travel on said turnpikes, notice of the regular meetings of said board, and on or before the second Tuesday of April in each year, a statement of receipts and expenditures in detail for the year. They shall have power to contract for labor and material, either at public sale or private contract, as may best subserve the interest of the different roads, and shall certify to the county auditor, on or before the first Monday of June in each year, the amount of money necessary for the purpose of keeping such turnpikes in good repair ; Provided, that when, in the opinion of said board, the interest of any of said turnpikes require, they are hereby authorized to enter upon any lands in said county and take the gravel or other material necessary for the repair of said turnpikes, and shall give a certificate to the owner or owners of such material so taken, which shall state the value thereof, together with the amount of damages to said lands by reason of the removal of said material, and the county auditor, upon the presentation of said certificate, shall issue an order upon the county treasurer for the amount so certified, who shall pay the same out of the township fund ; Provided further, that in case said owner or owners are not satisfied with the value so certified by said board, shall have the right to appeal to the probate court of said county, subject to all the provisions of the statutes now in force relating to the condemnation of material for road purposes ; Provided further, that a notice of such appeal shall be filed with the probate judge of said county within ten days after the delivery of said certificate.
- Appropriation of gravel or other material.**
- Right of appeal.**
- Penalty for violation of rules, etc.**
- Definition of word "turnpike."**
- SEC. 2.** That section four of said act be amended so as to read as follows:
- Section 4.** Any person who shall violate, either by himself or agent, any of the rules or regulations adopted by said board, and recorded in their book of records, authorized in section three of this act, shall, upon conviction thereof, before any justice of the peace of the county, be fined in any sum not less than ten dollars for each offense. All fines collected under the provisions of this act shall be paid into the county treasury for the use of the turnpike fund created by this act. Whenever the word turnpike occurs in this act, it shall be taken and held to include all turnpikes constructed under general or local laws, as well as all roads constructed or improved under the act entitled an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, and the acts amendatory thereof or supplementary thereto.
- SEC. 3.** That the original sections one and four of the act above referred to be and are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 17, 1875.

AN ACT

To amend section 59 of an act entitled "An act to amend an act entitled an act for the reorganization and maintenance of common schools," passed March 3, 1874. (O. L., vol. 71, p. 15.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fifty-nine of the above recited act be so amended as to read as follows:

Section 59. If any board of education shall in any one year fail to estimate and certify the levy as required in this act, or to provide sufficient school privilege for all the youth of school age in the district, or to provide for the continuance of any school in the district for at least six months in the year, or to provide for such school an equitable share of school advantages as required by this act, or to provide a suitable school house or houses in each sub-district, it shall be the duty of the county commissioners of the county to which such district belongs, upon being advised and satisfied thereof, to do and perform any or all of said duties and acts, in as full a manner as said board of education are by this act authorized to do and perform the same; and the members of said board causing said failure, shall be each severally liable in a penalty not exceeding fifty dollars, nor less than twenty-five dollars, to be recovered in a civil action in the name of the state of Ohio, upon complaint of any elector in said district, which sum shall be collected by the prosecuting attorney of said county, and when so collected shall be paid into the treasury of said county for the benefit of the school or schools of said district.

County Commissioners to act in certain cases.

Penalty of board of education for delinquency.

SEC. 2. That section 59 of the above recited act, as amended March 3, 1874, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 17, 1875.

AN ACT

For the payment of George C. Wilson for indexing the Journal of the House of Representatives for the year 1865.

Appropriation for recording journal of 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be appropriated out of the general revenue fund the sum of seventy dollars for the payment of indexing the recorded journal of the House of Representatives for the year 1865, and the auditor of state is hereby authorized, on the delivery to the secretary of state of the recorded journal aforesaid, and the index to the same, by George C. Wilson, to draw his warrant on the state treasurer in his favor for seventy dollars as payment for indexing the journal aforesaid; and there is hereby appropriated out of any money in the state treasury belonging to the general revenue fund, and not otherwise appropriated for the purpose aforesaid, the sum of seventy dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 20, 1875.

AN ACT

Supplementary to an act to provide for the apportionment of trustees and disposition of money, property, and assets held in trust for building soldiers' monuments, passed May 22, A. D., 1871. (68 O. L., 122).

Townships, cities or villages may assist in building monuments.

Bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any township, incorporated village or city, in which a soldiers' monumental building, such as is contemplated in the act to which this is supplementary, is proposed to be created shall desire to unite in the erection of such building for township, village or city purposes, each such township shall have a right to aid and assist in the same to an amount not exceeding twenty-five thousand dollars, and each city or incorporated village to an amount not exceeding twenty-five thousand dollars, and to issue bonds therefor, payable in ten years from date of issue, and bearing interest at the rate of eight per cent. payable semi-annually, on the first days of July and January in each year until paid, and the faith and credit of the township, village or city, shall be pledged for the full and faithful payment of the principal and interest upon said bonds, when and as the same may re-

spectively become due by the terms of said bonds; Provided, that any party uniting with the trustees of any fund described in the act to which this is supplementary, shall furnish an amount of money for the erection of said building equal at least to the amount furnished by said trustees of the monumental fund.

SEC. 2. No bonds shall be issued by any township, city, or incorporated village under the provision of this act until the question of issuing the same shall have been first submitted to a vote of the qualified electors of the township, city, or incorporated village, and a majority of such qualified electors voting at the elections shall have voted "Monumental aid, Yes;" and such election may be held at the usual place of holding elections in said city, township, or incorporated village, at any time after ten days' notice of the time and place of holding the same shall have been publicly given by the trustees of the township, or council of the city or incorporated village, in one or more newspapers of the county having general circulation therein, stating also the amount of the bonds proposed to be issued, the rate of interest, the purpose for which issued, and the time of payment, and that each voter shall indorse upon his ballot, "Monumental aid, Yes," or "Monumental aid, No." Said election shall be conducted in all respects as other general or special elections held under the laws of this State; and the result thereof certified within three days thereafter by the proper officers, with the poll books, to the clerk of the courts of the county, as is required in cases of a general election.

Question of issuing bonds must be submitted to vote.

Notice to be given.

SEC. 3. That if a majority of the votes cast at any such election shall be returned as cast for "Monumental aid, Yes," then it shall be the duty of the trustees of the township or council of the city or incorporated village, or both, as the case may be, forthwith on the certificate of the clerk of the court to that effect, to issue the bonds thereof in the sum specified in the notice for the election, payable in [ten] years from date, with interest at the rate of eight per cent. per annum, payable semi-annually, on the first days of July and January at the place of issue, and to deliver the same to the trustees of the monumental building fund, provided for in the original act to which this is supplementary, and to take their receipt or that of their treasurer therefor.

Procedure on affirmative votes.

SEC. 4. That the trustees of said "Monumental building fund" upon receiving the bonds provided for in the preceding section, shall at once proceed to convert the same into money in any case for no less than their par value, and proceed at once to the erection of the monumental building provided for by the act to which this is supplementary, and also providing in said building all necessary and suitable rooms for township, city or incorporated village purposes; Provided, that in giving notice of the time, manner and purposes of election as provided in the second section of this act, the number and character of rooms required for township, city or village purposes, may be therein described, and if so described, the bonds heretofore described shall in no event be

Duty of trustees in the erection of monument.

issued or delivered until the trustees of said monumental building fund shall have given bond with security to the satisfaction of the probate judge of the county, conditioned for the speedy and faithful completion of rooms in said building, as stipulated in such notice, to the satisfaction of said probate judge, and the failure to so do will subject the property of said monumental building association to all damages that may arise from such failure as well as to liability upon bond of the trustees as aforesaid.

Levy of tax
for principal
and interest.

SEC. 5. In case of the issue and delivery of bonds as aforesaid, it shall be the duty of the trustees of the township, or council of a city or incorporated village at the usual time for levying taxes, to levy a tax upon all the taxable property of such township, city or village, as will be sufficient to pay the interest therein for the current year and such proportional part of the principal for a sinking fund as will be sufficient to pay off the same when and as they become due, and this shall be done year by year until the whole amount of principal and interest is fully satisfied, paid off and discharged.

Vote to be
taken on re-
quest of
twenty citi-
zens.

SEC. 6. The vote required to be taken by this act shall be taken and notice therefor given as herein required immediately upon a request therefor being filed with the trustees of any township, or council of any city or incorporated village, for ten days, by twenty citizens, residents and tax payers of such township, city or village, and notice to the clerk of such township, trustees, or council, shall be equivalent to service upon the trustees or council themselves.

SEC. 7. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 17, 1875.

AN ACT

To amend sections one and two of an act supplementary to an act making certain instruments of writing negotiable, passed February 25, 1820, and as amended March 26, and took effect June 23, 1861. (S. & S., 490; 58 O. L. 41.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one and two of the above entitled act be so amended as to read as follows:

What en-
titled to
grace; ex-
ceptions.

Section 1. That all bonds, notes and bills, payable at a day certain after date, or after sight, made negotiable by the act to which this is supplementary, shall be entitled to three

days grace in time of payment ; excepting, however, that all checks, bills of exchange, or drafts, appearing on their face to have been drawn on any bank, banker, broker, exchange broker or banking company, which are on their face payable on any specific day, or in any number of days after the day of sight or date thereof, shall be deemed due and payable, on the day mentioned for the payment of the same, without days of grace being allowed thereon, and it shall not be necessary to protest the same for non-acceptance, nor to give notice of non acceptance to drawer or indorser.

Section 2. That the demand of payment from the maker of any bond or note, or the drawer of any bill of exchange on the third day of grace given aforesaid, or upon the day mentioned for payment as above provided, and notice of non-payment thereof to the indorser of any such bond, note, bill or check, and the drawer of any such bill or check within a reasonable time thereafter, shall be adjudged due diligence, under the second section of the act to which this is supplementary, unless the indorsement shall express in writing other conditions ; provided, that when the third day of grace shall be the first day of the week, such demand shall be made on the next preceding business day.

Demand and
notice—due
diligence,
etc.

SEC. 2. That sections one and two of the above entitled act, passed March 26, 1861, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 17, 1875.

AN ACT

To amend an act entitled "An act for the re-organization and maintenance of common schools," passed May 5, 1878. (O. L., vol. 70, page 204).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section thirty-six of the above recited act be so amended as to read as follows :

Section 36. No joint sub-district composed of the fractional parts of two or more townships which is now organized, or may hereafter be organized, shall be dissolved, changed or altered, unless by the concurrent action of the boards of education of the several townships, which may have territory included in such sub-district. In all sub-districts whenever it shall become necessary to rebuild, or for the better accommodation of scholars to change the location of

Joint sub-
district, how
changed or
dissolved.

Change of location, etc., of school-houses.

Returns of assessments and enumeration how made.

the school-house of any sub-district, the question of such rebuilding or change of location shall be determined by a majority vote of the board of local directors of such sub-district, and in such manner as to secure the better accommodation of the larger number of scholars in the same, and the funds which may be or shall have been assessed and collected for the rebuilding of such school-house shall be transferred to the custody of the board of education of the township in which such location shall have been made, and such board of education shall proceed in all matters connected therewith in accordance with the provisions of this act. And the personal property belonging to such sub-district shall be transferred to the board of education of the township in which such new location is made, and the real property, should there be any belonging to such joint sub-district in the township from which said location was changed, shall be sold by the board of education of such township, and the proceeds arising from such sale shall be turned over to the board of education of the township in which said location shall have been made. In cases where any parts of such joint sub-district shall be in more than one county, the enumeration shall be made for each fraction, as provided in the seventy-seventh section of this act, and the assessment shall be made for each fraction, as provided in section thirty-five of this act, but returns of such assessment of taxes and enumeration of youth shall be made to the county auditors of the several counties interested of the amount belonging to such counties respectively, to be collected as above provided; and when so collected the amount shall be certified by each county auditor to the clerk and treasurer of the township, or the school district having control of said school, and the amount shall be paid to the treasurer of such township or school district by each county respectively.

SEC. 2. That original section thirty-six be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.

EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 17, 1875.

AN ACT

To authorize Commissioners, for Protection of Highways, to Straighten and clean out Creeks and Water Courses.

Authority for straightening creeks or water courses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of any county are hereby authorized to cause to be straightened or cleaned out any creek or water course, for the better production of roads in such county.

SEC. 2. That before the commissioners shall proceed to straighten or clear out any creek or water course, there shall be filed with the county auditor of such county a petition signed by one or more tax payers of the county setting forth the benefits to be derived from straightening or cleaning out said creek or water course, the starting point and terminus, with a description of the creek or water course to be straightened or cleaned out, with an estimate of costs to be incurred to complete said work, and the auditor shall at the next regular or called meeting of the commissioners, notify them of the filing of said petition.

Petition
therefor.

SEC. 3. That the commissioners upon receiving said notice of petition, shall forthwith appoint some disinterested person, resident of the county, who shall go upon the line of said creek or water course and examine the same carefully, and make his report to the county auditor in writing, stating whether he deems the straightening or cleaning out of said creek or water course will be beneficial for the protection of any state or county road, and if so, an estimate of the amount of money required to perform the same.

Examination
by a disinter-
ested person.

SEC. 4. That the county auditor shall at the first regular or called meeting of the commissioners after receiving the report from such person, notify said commissioners of the same, and if the said report recommends the straightening or cleaning out of said creek or water course, the commissioners shall be authorized to proceed to let the same at public sale to the lowest and best responsible bidder, and take a bond, payable to the state of Ohio, of the person or persons to whom said work is let, with good and sufficient security for the performance of the same within a specified time; and on completion of the work thus let, and accepted by said commissioners, the auditor shall issue a certificate to the person or persons performing said work for the sum due; Provided, that in no case shall the work be let at a higher price than twenty per cent. above the estimate so made by said person appointed. And, provided further, that no person having an official duty to perform about said work shall be interested directly or indirectly in any contract for straightening or cleaning said creek or water course.

Auditor to
notify com-
missioners,
etc.

Work to be
let to lowest
bidder.

SEC. 5. That all costs of letting, straightening or cleaning out such creek or water course, and all the other necessary expenses which shall accrue under this act, shall be paid out of the county treasury, out of the bridge fund, on the order of the county auditor. This act shall be in force from and after its passage.

Costs how
paid.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 20, 1875.

AN ACT

To amend sections three, four and nine of an act regulating sales at Auction, passed March 16, 1840, and took effect March 1, 1841. (S. & S., page 24.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections three, four and nine of the above recited act be so amended as to read as follows:

Appoint-
ment of auc-
tioneers by
court of com-
mon pleas.

Section 3. That the several courts of common pleas in this state in their respective counties, or any judge thereof in vacation, have power and authority to appoint and license such suitable persons residing in such county as may be proper to exercise the trade or occupation of auctioneer, and make sales by auction according to law, for the term of one year from the date of such appointment; and the person so appointed may exercise such trade or occupation in any county or counties of the state during said term.

Amount to
be paid for
license.

Section 4. That the court of common pleas, or any judge thereof in vacation, shall determine the amount to be paid by each auctioneer licensed in their respective counties, which amount shall in no case exceed the sum of five hundred dollars; and every auctioneer appointed under the provisions of this act, before he shall receive license to enter upon the duties of his appointment, shall give bond to the state of Ohio, with one or more sufficient securities, to be approved of and accepted by the court granting the license, in the penal sum of one thousand dollars, conditional for the faithful performance of his duty and for the payment of the duties that are or shall be imposed by law, and that shall accrue on sales by him made, and shall file the same with the treasurer of the county, and pay to such treasurer the sum of money required of him by the court for such license and take duplicate receipts for the same, one of which receipts shall be delivered to the auditor of the county, who shall file the same in his office and certify the payment to the clerk of the court making the appointment, and upon such certificate the clerk shall issue license in proper form under the seal of such court, granting to the auctioneer so appointed full power and authority to set up and expose to sale by auction property and effects according to his appointment, for which the clerk shall be entitled to one dollar as his fee, to be paid by the auctioneer on the delivery of the same.

Bond.

Clerk to is-
sue license.

Auctioneers
cannot farm
out their of-
fice to others.

Section 9. That if any auctioneer shall farm out his office to another, or derive profit or advantage from any sales by auction that are not made by himself personally, every auctioneer so offending shall be guilty of a misdemeanor, and, upon conviction thereof, before the court of common pleas of the proper county, shall, for such offense, forfeit and pay to the state of Ohio, a sum not exceeding one thousand dollars, nor less than one hundred dollars, with costs of prosecution, and shall moreover forfeit his license; Provided, that in case of sickness or necessary absence of any auction-

Proviso.

eer, any sale appointed by him may be made by his known clerk.

SEC. 2. That sections three, four and nine of the above recited act are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 20, 1875.

AN ACT

Supplementary to an act passed April 15, 1867, entitled an act to provide for the voluntary dissolution of corporations. (S. & S. stat., page 248.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever the stockholders owning one-fifth or more in amount of the paid up stock of any corporation organized for manufacturing or mining, shall file in the office of the clerk of one of the courts mentioned in the first section of the act, to which this is supplementary, their petition containing the statement that for two out of the three last preceding years the net earnings of such corporation have not been sufficient to pay in good faith an annual dividend of six per centum upon the paid up capital stock of said corporation over and above the salaries and expenses authorized by the by-laws and regulations of such corporation, and that they theretore desire a dissolution of said corporation, said court shall thereupon make an order requiring the officers of such corporation, within a reasonable time, to file in said court the inventories, averments and facts required in section two of the act to which this is supplementary; and upon the filing of said inventories, accounts, statements and facts by said officers, said court shall proceed, as provided for in section four of said act, requiring all persons interested in such corporation to show cause, if any they have, why such corporation should not be dissolved, and said court may decree a dissolution of said corporation in conformity with the provisions of said act, upon finding the statements contained in said petition to be true, or that there exists one or more of the reasons for dissolving corporations enumerated in section seven of the act to which this is supplementary; and upon such proceedings being had as are in said act provided for, such other and further proceedings shall be had for the final settlement and adjustment of the affairs of such corporation as are provided to be had under the provisions of the act to which this is supplementary.

Proceedings
for dissolution
of corporation.

Filing of inventory, accounts, etc

SEC. 2. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 20, 1875.

AN ACT

Extending the powers of Master Commissioners.

Sales of real
estate by
sheriff on
notification
by commis-
sioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That master commissioners may notify the sheriff, who is hereby required to attend and make sales of real estate for them when they are unable to attend in person such sales by reason of sickness. Sales so made shall have the same legal force and effect as though made by the master commissioner in person; Provided, that no extra charge shall be made in any case for the services of any sheriff so appointed, but said master commissioner shall, out of his fees accruing in such proceedings, pay the said sheriff reasonable compensation for the service performed.

SEC. 2. This act shall take effect on its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 20, 1875.

AN ACT

To amend section five hundred and forty-three of "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, as amended May 2, 1871, as amended March 30, 1874.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and forty-three of the above mentioned act, amended as set forth above, be and the same is hereby amended to read as follows:

Limit of tax-
ation.

Section 543. In no case shall the tax or assessment specially levied and assessed upon any lot or land for any improvement amount to more than twenty-five per centum of the value of such lot or land as assessed for taxation, the

cost exceeding the said per centum that would otherwise be chargeable in such lot or land shall be paid by the corporation out of its general revenues; Provided, that in cities of the first class, and in all municipal corporations situate in a county containing a city having a population of one hundred and fifty thousand or more at the last federal census, there may be each year levied, assessed and collected of such special assessment an amount not exceeding ten per cent. of the value of such lot or land after such improvement is made; Provided, further, that in all cities of the first class and municipalities named in this section, the tax or assessment specially levied and assessed upon any lot or land for any improvement may amount to twenty-five per centum of the value of such lot or land after such improvement is made, the cost exceeding the said per centum that would otherwise be chargeable on such lot or land shall be paid by the corporation out of its general revenue; Provided, further, that in any municipal corporations, where three-fourths in interest represented by the feet front, of the owners of property abutting upon any street or highway of any description, petition for any improvement of such street or highway, none of the foregoing limitations of this section shall be operative or binding, but the assessment for such improvement shall be collected in equal annual installments, which installments shall be proportioned to the whole assessment in a manner to be indicated in the petition aforesaid, or if not so indicated, then the same shall be fixed by council, and the interest on any bonds issued by any such corporation in pursuance of this act shall be assessed, together with the annual installments herein provided for, upon the property so improved.

Provisos as
to certain
cities and
counties.

Interest on
bonds.

SEC. 2. That said section five hundred and forty-three as amended May 2, 1871, as amended March 30, 1874, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 20, 1875.

AN ACT

Supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, (S. & C., 271,) and to enable manufacturing and mining companies to borrow money at the rate of interest permitted to natural persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any company heretofore or hereafter in-

Certain incorporated companies may borrow money, etc.

corporated under the laws of this state for the purpose of manufacturing or mining, or any corporation organized for religious purposes, shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, at any rate of interest not exceeding that for which natural persons are or may be allowed to stipulate under the laws of this state, and may execute bonds or promissory notes therefor in sums of not less than one hundred dollars, and to secure the payment thereof may pledge the property and income of such company.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 23, 1875.

AN ACT

To amend section two of an act entitled "An act supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, (S. & C., page 271,) passed April 27, 1872. (Ohio Laws, vol. 69.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be so amended as to read as follows:

Extension of termini or terminus of railroads.

Section 2. That whenever any railroad company incorporated under any general law of this state, shall desire to extend the line of its road beyond either of its previously designed termini, the president and directors of such railroad company may submit the question of such extension and change of termini to a meeting of the stockholders of said company, to be called for that purpose, by notice in some newspaper or newspapers in circulation in each county through which such railroad may then run, and if the holders of the majority of said stock, in person or by proxy, shall so determine, then the said president and directors, or a majority of them, shall be and they are hereby empowered and authorized to make out a certificate of the fact, naming the places of the new termini or terminus of said road, and the county or counties through which the extended line of said road may run, which certificate shall be attested, as provided in the act to which this is supplementary, in case of original certificates, and file it in the office of the secretary of state, and such certificate and such extension shall, to all intents and purposes, be considered and held to be a part of the original line of said road.

SEC. 2. Said original section two is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 20, 1875.

AN ACT

Amendatory of and supplementary to the act passed April 23, 1872, entitled an act prescribing the mode of assessment and collection of compensation to the owners of private property appropriated by and to the use of corporations. (69 Laws, 88.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above named act be and the same is hereby amended so as to read as follows:

Section 3. When any parcel of property or right named in the petition is situate in two or more counties, the petition may be filed in either one in which any of the owners are resident, or if none of the owners are resident in any of such counties, it may be filed in either one thereof. The petition may include one or more of the several parcels of property or rights in the county to be appropriated, and in either case shall constitute and be styled an "Appropriation Proceeding," but all separate action had therein as to each separate parcel of property or right embraced in such appropriation proceeding shall be considered as a separate case therein, and the owners of each such separate parcel or right as joint defendants in such case, entitled to a separate trial in such order as the probate judge shall direct, before the jury first empaneled in the appropriation proceeding, until the discharge thereof, subject to the right of challenge as hereinafter provided. Upon the filing of the petition the probate judge shall, upon the precept of the petitioner therefor being filed, immediately issue a summons for all the owners and persons, having an interest, named in such precept, who are set forth in the petition as residents of this state, directed to the sheriff of the proper county, commanding him to notify the persons therein named of the filing of the petition and to appear thereto at a time to be fixed in the summons by the judge, not less than five nor more than fifteen days from the date of the issuing thereof. Where any writ is returned "not summoned," other writs may be issued until the defendants shall be duly summoned, and writs may be issued to different counties at the same time, and shall be served and returned as provided in the code of civil procedure; and whenever any owner or person having an interest is unknown, or is a non-resident of this state, or his or their residence is unknown,

Petition for appropriation may be filed in either county in which owner resides, etc.

Probate judge to issue summons to notify owners.

As to non-resident owners.

Service by
publication.

the corporation by its proper officer, agent, or attorney, may at any time after filing the petition proceed to make service by publication against such owner or persons, by publishing in some newspaper of general circulation in the county where the petition is filed, for four consecutive weeks, a notice containing a summary statement of the object and prayer of the petition so far as it relates to the property of the owner or person thus to be notified, the court in which it is filed, and the time when such owner or person is to appear thereto, not exceeding twenty nor less than ten days after such service is complete; at which time proper proceedings shall be had in accordance with the provisions of this act. Such service by publication shall be deemed complete when made as above provided, and may be proved by the affidavit of the printer, publisher or manager of the paper in which it is published, or other person knowing the same.

Probate
judge to in-
quire as to
corporate ex-
istence, etc.

SEC. 2. That section four of the act to which this is amendatory be so amended as to read as follows:

Section 4. On the first appearance day in the appropriation proceeding, of which any property owner set forth in the petition has been duly notified by summons or publication, and before issuing a notice for the selection of a jury, the probate judge shall proceed to inquire and determine the questions of the corporate existence of the corporation, its legal right to make appropriation under this act, the inability of such corporation to agree with the owner or owners of the property sought to be appropriated, and the necessity for the appropriation, upon all which questions any of the property owners present may be heard, and the corporation shall satisfy the court affirmatively by satisfactory proof.

Notice to
clerk and
sheriff; se-
lection of
jurors, etc.

SEC. 3. That section five of the aforesaid act to which this is amendatory be so amended as to read as follows:

Section 5. That it shall be the duty of the probate court, immediately upon finding in favor of the corporation upon the preliminary inquiry provided for in section four, to issue a notice to the clerk of the court of common pleas and the sheriff of the county where the petition is filed, directing them to select sixteen persons for a jury, and the said clerk and sheriff shall, within two days after the receipt of such notice, proceed to select from the names returned to serve as jurors sixteen men in the same manner that jurors are selected for the trial of any civil case in the court of common pleas, for the purpose of estimating the amount of compensation the property owners, in such cases, in the appropriation proceeding as shall be brought before them, shall be entitled to by reason of the appropriation sought; and the said clerk shall immediately return the names of the persons so selected to the probate judge, who shall thereupon issue his *venire facias* to the sheriff of the county, to summon such persons to attend at the office of said judge on the day specified in such writ by the judge, not exceeding ten days from the date of issuing the same, from whom a jury of twelve men shall be empaneled as hereinafter provided, and each separate case in the appropriation proceeding in which a jury trial shall be demanded, shall be tried before the jury so impan-

eled, subject to the right of challenge as hereinafter provided, in such order as the court shall direct, until said jury be discharged; and the judge shall have power to discharge said jury and cause other juries to be selected and impaneled, in accordance with the provisions of this act, and to cause vacancies occurring in any jury from any cause, to be filled by talesmen; and also to adjourn or continue any case or cases in such manner as he shall deem necessary for the proper and convenient trial of the several cases, or as may be necessary for the purpose of obtaining proper service upon the property owners in the proceeding. All such trials shall be conducted in the same manner as civil trials in the court of common pleas, so far as applicable, except as otherwise provided in this act.

Manner of trial.

SEC. 4. That section six of the act to which this is amendatory be so amended as to read as follows:

Section 6. It shall be the duty of the sheriff receiving such venire facias, to summon the persons therein named in the same manner that jurors are summoned to attend the court of common pleas, and if by reason of non-attendance, sickness or other cause, any of said list of sixteen persons shall not be present and in condition to serve as jurors, the judge shall order the sheriff to fill the vacancies with talesmen from the bystanders or neighboring citizens, so as to complete said list of sixteen; and when said list of sixteen is full, the probate judge shall call upon each separately, beginning with the first named on the list, to take his place in the jury box, and shall personally inquire of each one, as called, whether he is interested in any way in any of the property or rights sought to be appropriated, or in the corporation filing the petition either as owner, stockholder, agent or attorney or otherwise, and if such person shall answer in the affirmative, or if such fact be shown to the judge by satisfactory evidence, such person shall be excused from serving on the jury, and the next person on said list shall be called and interrogated in like manner; and if the said list of sixteen shall have been exhausted before a proper jury of twelve men is taken and accepted therefrom, the judge shall order the sheriff to fill the remaining vacancies in the jury box required to make up the number of twelve, with talesmen, who shall be interrogated as herein above provided; and the trials demanded in the several separate cases, shall be proceeded with in such order and time as the court may direct; Provided, that in each case, the petitioner and the property owner in such case jointly, shall have the right to two peremptory challenges and to challenges for cause, to be made by said parties respectively, when the case is ready for trial; and before proceeding in such trial, all vacancies arising in the jury from challenge or otherwise shall be filled by talesmen, to whom the inquiries and oath in this act prescribed shall be administered.

Duty of sheriff in summoning jury, etc.

Inquiry as to qualification, etc.

Vacancies, how filled.

SEC. 5. That section seven of the act to which this is amendatory be so amended as to read as follows:

Section 7. When, after such interrogation, the jury box shall be filled with twelve disinterested jurors, the probate

Oath of jurors.

judge shall administer to them the following oath: "You and each of you do solemnly swear (or affirm) that you will justly and impartially assess, according to your best judgment, the amount of compensation which is due to the proper owners in the cases that shall be brought before you in this proceeding, by reason of the appropriation of their property described in the petition, to the use of [here name the corporation] in the proceeding now pending, irrespective of any benefit from any improvement proposed by such corporation; and you do further swear (or affirm) that you will, in assessing any damages that may occur to such property owners, by reason of the appropriation, other than the compensation, further ascertain how much less valuable the remaining portion of said property will be in consequence of such appropriation; this you swear as you shall answer to God, (or affirm) under the pains and penalties of perjury."

SEC. 6. That section ten of the act to which this is amendatory, as the same was amended April 19, 1873, (70, Laws, 146), be so amended as to read as follows:

Verdict to be rendered, judgment entered, etc.

Section 10. After the case is submitted to the jury, they shall render their verdict in writing, signed by their foreman, to the judge who shall cause the same to be entered of record, and unless for good cause shown, upon motion to be filed within ten days after the verdict is rendered, a new trial be granted, he shall enter a judgment confirming such verdict; upon payment to the party entitled thereto or deposit with the probate judge, of the amount of such verdict, and such costs as shall have lawfully accrued in such case up to the time, the corporation shall be entitled to take possession of and shall hold the property or right so appropriated for the uses and purposes for which it was sought to be appropriated, as set forth in the petition, and the judge shall enter of record an order to that effect, and if necessary, proper process shall be issued to place the corporation in possession thereof; *Provided*, that in any case where the corporation shall fail to make payment or deposit as aforesaid, within thirty days after confirmation of the verdict, the probate judge, on motion of the party entitled to such payment, to be filed within ten days after the expiration of said thirty days from the confirmation aforesaid, shall enter an order directing said corporation to make such payment or deposit within thirty days after the date of such order, and unless such corporation shall, within said thirty days, make such payment or deposit, it shall be held and considered to have thereby abandoned the property or rights so appropriated, and all claims thereon under its proceeding, and the judge shall enter an order to that effect; and shall also enter a judgment against the corporation and in favor of the party entitled to such payment, for such amount of expenses, including time spent and attorney's fees, incurred by him in the proceeding, as the court, upon the evidence offered in that behalf, shall deem just and reasonable, for which execution may be issued against the corporation, and both the corporation and the directors thereof individually, shall be liable upon such judgment; and if such judgment shall not be sat-

Corporation to take possession, etc.

Procedure on default of deposit or payment.

Judgment against corporations, etc.

ished within thirty days after the rendition thereof, or if the party entitled thereto shall not be satisfied with the amount thereof, such party shall have a right of action against the petitioner for his expenses aforesaid, including time spent and attorney fees, and also for his expenses, including reasonable attorney fees, incurred in prosecuting such action; *Provided*, that the same shall be brought within six months after the rendition of said judgment in the probate court; but no corporation shall be allowed to abandon any proceeding without first paying into court the amount of the defendant's costs, expenses, and attorney's fees as found by the court.

SEC. 7. That any corporation, organized under the laws of Ohio, which shall seek, under the provisions of this act or the acts to which this is supplementary and amendatory, or any general law of this State, to appropriate property to its use, or to exercise the power of eminent domain, or which shall come into the possession or use of property so hereafter appropriated, shall thereby and thereafter be deemed and held to have consented and to be a corporation in all respects, and to all intents and purposes, and as to all its property, rights, power, and obligations, enjoyed or exercised within this State, subject to the provisions of the constitution of the state and the laws passed in pursuance thereof.

SEC. 8. Every railroad corporation or company, now or hereafter owning and occupying any right of way or easement in any lands, either by agreement with the owners or by virtue of any condemnation proceeding, shall present to the auditor of the county where such land is situate, a statement of the quantity of such land embraced within such right of way or easement, and said quantity shall be deducted by the auditor from said land on the tax duplicate, so that the owners thereof shall not be required to pay taxes upon said quantity. All corporations or companies, now owning and occupying any such right of way or easement shall present said statement within six months after the passage of this act, and all that shall hereafter come into such ownership and occupancy within six months thereafter; and if any corporation or company shall neglect to present such statement after being requested so to do by the land owner, such owner may do so after the expiration of six months. And whenever the grant of such right of way or easement is not in the form of a lawfully executed deed or lease, it shall be the duty of the recorder of the county where the same is situate, upon the request of the corporation or company owning such right of way or easement, to record such grant in the record book of leases and index of same, and such record, or a copy thereof duly certified by the recorder, shall be received in evidence in all courts and places, in the same manner and to the same effect as the original; *Provided*, that the correctness of such record or copy may be impeached by any interested party by competent proof. The recorder shall be entitled to the usual fee for recording such grants and certifying copies thereof.

SEC. 9. That any railroad corporation of this state shall

Corporation
petitioning
to be held ac-
countable,
etc.

Railroad
companies
must present
statement to
county audi-
tor, etc.

Recorder to
record grant
in certain
cases.

Railroad
companies
may con-
demn and
appropriate,
etc.

Questions to
be determin-
ed by court.

Sections re-
pealed.

have authority to condemn and appropriate to its own use the interest and easement in and to quit title as to any unfinished road bed, or part thereof on the line of its proposed road, owned or claimed by any other company or companies where the same has remained substantially in the same unfinished condition, and without having the ties and iron placed thereon for the period of ten years or more. Every such company shall be made a party defendant to the condemnation proceedings, and shall file an answer therein, setting forth fully its title to and interest in such road bed, or part thereof sought to be appropriated, if any it claims, to which answer, the plaintiff shall plead issuably, unless it admit the validity of the defendant's claim. And where it shall be determined by the court, upon issue of law, or by the jury upon issue of fact, or by the admission of the pleadings, or by reason of failure to plead that any such company asserting such ownership or claim is not entitled thereto, judgment, including costs, shall be rendered accordingly; but where it in like manner shall be determined that any such company had an interest in such road bed, or part thereof so sought to be appropriated the jury shall determine and state the amount of compensation due according to law to such company on account of the appropriation of such interests as aforesaid, provided proceedings under this section may be commenced in the court of common pleas, or superior court of the proper county, in which event the case on motion shall be taken out of its order by said court, or by any appellate or reviewing court, and determine without unnecessary delay, and proceedings in error to such common pleas or superior court may be commenced directly in the supreme court; provided, further, that the provisions of this act as to viewers shall not apply to appropriations authorized by this section.

SEC. 10. That sections three, four, five, six and seven, of the act to which this is amendatory and section ten, as amended by the act passed April 19, 1873, (70 Laws, 146), amending section ten of the above named act, be and the same are hereby repealed.

SEC. 11. That this act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 23, 1875.

AN ACT

To amend section 298 of the Municipal Code. (Vol. 66, O. L. 199.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section two hundred and ninety-eight of*

the act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, be so amended as to read as follows:

Section 298. The management of affairs of all corporation infirmaries now existing, or which may hereafter be established, and the care of the inmates thereof, the erection and enlargement of all infirmary buildings and of all additions thereto; and the repairs and furnishing thereof and improvement of the grounds therewith connected, and the granting of out-door relief to the poor, shall be vested in a board of three directors which shall be called "the board of infirmary directors." Such infirmary, or the pest-house of the corporation may be located either within or outside of the corporation limits, and the council is authorized to purchase and hold the necessary real estate on which to build the same.

Board of infirmary directors.

Location of pest-houses, etc.

SEC. 2. Said original section two hundred and ninety-eight is hereby repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 23, 1875.

AN ACT

To amend section three hundred and thirteen of the code of civil procedure, as amended April 13, 1874, (Ohio Laws, volume 71, pages 68 and 69.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three hundred and thirteen of the code of civil procedure be amended so as to read as follows:

Section 313. No party to a civil action shall be allowed to testify by virtue of section three hundred and ten, in any action where the adverse party is the guardian or trustee of a child or children of a deceased person, or of an idiot, or of a lunatic, or imbecile, or of a deaf and dumb person, or is the executor or administrator of a deceased person, or is a party claiming or defending as heir, grantee, or devisee of a deceased person, except in the following cases; Provided, that nothing herein contained shall be so construed as to prevent any and all the heirs, grantees and legatees from testifying in cases to contest the validity of or to set aside a will or deed of any ancestor or grantor under whom they may claim title.

What parties shall not be allowed to testify.

First—In actions with an executor, administrator, guardian, trustees of infants, heir or devisee, as above specified, a party may testify to facts which occurred after the death of the decedent or parent; and in actions with a guardian of an

Exceptional cases.

idiot or a lunatic or an imbecile, as above specified, a party may testify to facts which occurred after the appointment of such guardian.

Second—In actions upon contracts made by deceased persons through agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contracts, and the making thereof, and in relation to any conversations or transactions between himself and such agent testified to by the agent.

Third—In actions of either of the classes above specified in which any adverse party, or any person having a direct interest in the matter in controversy, shall be called as a witness and to testify to transactions or conversations with a party to such action such party shall also be permitted to testify as to such specific transactions and conversations.

Fourth—In actions of either of the classes above specified, in which one party calls a witness other than an agent acting as such, or one interested to prove conversations or admissions of the opposite party, occurring before the death of said deceased person, the opposite party may testify to the same conversations or admissions.

Fifth—In actions of either of the classes above specified in which the claim or defense is founded on book accounts, a party may testify to his account book that the same is a book of original entries, that the entries in the same were made by himself or by a deceased person, or by a disinterested person non-resident of the state at the time of trial, and on such authentication of the account book and entries, said book and entries shall be admissible evidence in the case.

Sixth—If the deposition of a party who has died during the pending of a suit shall be given in evidence on the trial of such case, the opposite party may testify as to all matters and things contained in said deposition, and not excluded for irrelevancy or inadmissibility. In all actions by or against a surviving partner or partners or surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declaration or admission made by the deceased partner, or joint contractor in the absence of his surviving partner or joint contractor.

Seventh—In actions brought by executors or administrators under an act passed March 25, 1851, entitled an act requiring compensation for causing death by wrongful act, neglect or default, and all acts amendatory and supplementary thereto.

SEC. 2. Said act of April 13, 1874, is hereby repealed.

SEC. 3. This act shall be in force from its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 23, 1875.

AN ACT

To regulate the practice of the delivery of Fugitives from Justice when demanded by another State or Territory.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the executive authority of any other state or territory of the United States shall demand any person found in this state as a fugitive from such state or territory, and shall moreover produce with such demand the copy of the indictment found, or affidavit made before a magistrate of the state or territory demanding, charging the person so demanded with having committed treason, felony, or other crime within such state or territory, duly certified as authentic by the governor or chief magistrate of the state or territory from whence the person so charged fled, it shall be the duty of the governor to issue an order or warrant to the sheriff of the county in which such person so charged may be found, commanding him to forthwith arrest and bring such person before any judge of the supreme court, or any judge of the court of common pleas of this state in whose district or jurisdiction such person so charged may be found, to be examined on said charge.

When governor shall issue warrant of extradition.

SEC. 2. Upon the return of said order or warrant by the sheriff with the person so charged in custody, it shall be the duty of the judge before whom the person so arrested is brought, and order or warrant is returned, to proceed to hear and examine such charge, and upon the proof made in said examination by him adjudged sufficient, to commit such person to the jail of the county in which said examination is so had, for a reasonable time, to be fixed by the judge, and thereupon to cause notice to be given to the executive authority making such demand, or to the duly authorized agent of such executive authority appointed to receive the fugitive, and on payment of all costs such fugitive shall be delivered to the authorized agent of the state or territory demanding his surrender, to be thence removed to the proper place for prosecution.

Person charged to be committed to prison a reasonable time, etc.

SEC. 3. If no such agent shall appear within such reasonable time so fixed by the judge, and pay all costs and receive the person so committed to be surrendered up to the state or territory demanding, it shall be the duty of the sheriff to discharge the person so imprisoned.

To be discharged if no agent appears to pay costs, etc.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 23, 1875.

AN ACT

Supplementary to an act passed April 7, 1867, (O. L., Vol. 64, page 118), to establish Childrens' Homes, and to an act supplementary to the above entitled act, passed March 30, 1874. (O. L., Vol. 71, page 60.)

Industrial
pursuits to
be estab-
lished in
childrens'
homes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the childrens' homes, established under an act passed April 7, 1867, (O. L., Vol. 64, page 118), and under an act passed March 30, 1874, (O. L., Vol. 71, page 60), shall have power to establish in connection with such homes, such industrial pursuits as they may deem expedient, and the county commissioners of all counties wherein such houses are established, and commissioners of counties forming parts of districts wherein such homes are established, are hereby authorized to furnish by taxation the means necessary to put into operation the object of this act. The said trustees of said homes may determine the character of said pursuits; Provided, however, that they shall be so conducted as to be in the interests of the children and in view of economy.

SEC. 2. This act shall apply to homes now or to be hereafter established under either of the above recited acts.

SEC. 3. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 23, 1875.

AN ACT

To amend section fifty-three of "An act to provide for the uniform government and better regulation of the Lunatic Asylums of the State and the care of Idiots and the Insane," as amended March 31, 1874. (O. L., page 46.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fifty-three of the above entitled act be so amended as to read as follows :

Proceedings
when person
becomes in-
sane after
commission
of crime.

Section 53. If any person in prison shall, after the commission of an offence, and before conviction or sentence, become insane, whether he be in needy circumstances or not, or whether indicted or not, an examining court may be called, in the manner provided by the forty-eighth section of the code of criminal procedure, and if such court shall find that such person became insane after the commission of the offense of which he stands charged, indicted or convicted, and is still

insane, the said court shall proceed, and the prisoner shall, for the time being, and until restored to reason, be dealt with in like manner as other lunatics are required to be after inquest had. And in all cases where any person has been indicted for an offense, and his attorney shall suggest to the court in which the indictment is or shall have been pending, either before or after plea thereto, that such person is not then sane, or that insanity has supervened after conviction and before sentence, and a certificate of a respectable physician to that effect be presented to the court, it shall be the duty of the court to order a jury to be impaneled to try whether the defendant is sane at the time of such impaneling; and thereupon a time for the trial of said question shall be fixed, and a jury shall be drawn from the jury box to try the same, unless the prosecuting attorney or the defendant's attorney shall demand a struck jury for the trial thereof; the jury shall be sworn or affirmed to well and truly try the question whether the defendant is sane, and a true verdict give according to the law and the evidence. On the trial the defendant shall hold the affirmative; if the jury agree upon a verdict, or three-fourths of them concur in opinion, their finding shall be reduced to writing and signed by all the jurors concurring therein and returned as the verdict of the jury. A new trial may be granted, on the application of the defendant's attorney for either of the causes for which a new trial may be granted, when there has been a verdict of conviction. If the jury shall find the defendant to be sane, and their verdict be not set aside, a trial shall be had upon the indictment as if the said question had not been tried; if the jury shall find him to be not sane, he shall, for the time being, and until restored to reason, be dealt with in like manner as other lunatics are required to be after inquest held; if the jury, or three-fourths of them, do not agree, or their verdict be set aside, another jury shall be impaneled to try the question; and all statutory provisions and rules of practice relating to criminal causes, which are in their nature applicable to the proceedings and trial by jury herein provided for, as well as to a review thereof on error, shall apply to such proceedings, trial and review; provided, however, that if such lunatic be discharged, the bond given for his support and safe keeping shall also be conditioned that said lunatic shall, when restored to reason, answer to said offense, and abide the order of the court in the premises; and any such lunatic may, when restored to reason, be prosecuted for any offense committed by him previous to such insanity.

SEC. 2. Said section fifty-three is hereby repealed, and this act shall take effect upon its passage and apply to pending cases, proceedings and prosecutions.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 23, 1875.

When new
 trial to be
 granted.

Liable to an
 answer when
 restored to
 reason.

AN ACT

Supplementary to an act entitled "An act for the re-organization and maintenance of common schools," passed May 1, 1873, (O. L. vol. 70, page 195,) and the several acts amendatory thereto.

Duty of commissioner on complaint of fraudulent use of money, &c.

Appointment of an accountant to investigate charges.

Powers and duties of examiner.

His compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a complaint shall be made to the state school commissioner, in writing, verified by the affidavit or affidavits of at least three freeholders and taxpayers, resident of any school district in this state, alleging that they have good reason to and do believe that any portion of the school fund of such district has been expended contrary to law, or has been fraudulently, unlawfully or corruptly used, or misapplied, by any of the officers of such district, or that there have been fraudulent entries in the books, accounts, vouchers or settlement sheets thereof, by any of such officers, or that any of such officers have not made settlement of their accounts as required by law, said state school commissioner is hereby authorized and required to appoint some trustworthy and competent accountant, for the purpose of investigating such complaint, who shall proceed forthwith to visit such school district and take possession of all the books, papers, vouchers and accounts of such district, and investigate the truth of the allegations of such complaint, and the condition of the school fund of such district; and it shall be the duty of the several officers of such school district, on the application of such examiner, immediately to place in his possession all their books, accounts, contracts, vouchers and other papers having reference to the receipt and disbursement of said school fund; and it shall be the duty of the county auditor and county treasurer to give such examiner free access to all the records, books, papers, vouchers and accounts in their respective offices having reference to the object of such investigation.

SEC. 2. That such examiner shall have authority to call before him forthwith, upon written notice, and examine witnesses, under oath, to be administered by such examiner; said examiner shall, immediately after completing such investigation, report in writing in duplicate setting forth the condition of the books, vouchers and accounts of such district, the amount of school funds received for any and all purposes, and from whatever source, the amount expended, and for what, and the amount actually in the treasury, one copy of which report he shall file in the office of the clerk of the court of common pleas of the county in which such district shall be situate, and the other copy he shall transmit to the state commissioner of common schools at Columbus; and such examiner so appointed and performing the duties required by this act, shall receive as compensation a pro diem of three dollars for each day necessarily engaged in the performance of said duties, and shall also receive five cents for each and every mile by him necessarily traveled in that be-

half; Provided, no mileage shall be allowed for a greater distance than from Columbus to such district. Such compensation and mileage shall be paid out of the county treasury upon the warrant of the county auditor, and if such investigation shall establish the truth of any material allegation in such complaint, then such amount so paid shall be assessed by the county auditor upon the taxable property of said district, to be collected as other taxes are for the use of such county treasury.

Payment thereof.

SEC. 3. That it shall be the duty of the judge of the court of common pleas of the proper county to examine the report so filed in the clerk's office, as provided in section two of this act, and if it shall appear therefrom that any part of the common or school fund has been fraudulently, unlawfully or corruptly used or misapplied, or that there has been fraud in any of the entries, accounts, vouchers, contracts or settlements, or that the settlements have not been made as required by law, or that there appears any defalcation or embezzlement on the part of any of the officers of such school district, he shall give said report specially in charge to the grand jury at the term of the court of common pleas next after the filing of said report; and it shall be the duty of the prosecuting attorney of such county to forthwith institute and carry forward such proceedings, civil or criminal, or both, against the delinquent officer or officers of such district as is authorized by law.

Adverse report of examiner to be given in charge to grand jury.

Duty of prosecuting attorney.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 23, 1875.

AN ACT

To amend section three of an act entitled "An act relating to free turnpike roads," passed March 14, 1867. (S. & S., 687.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above named act be so amended as to read as follows:

Section 3. For the purpose of paying said bonds, and the interest thereon, as the same may become due, the said town councils are hereby authorized to levy a tax upon the taxable property of said incorporated villages, sufficient for the purpose, not exceeding five mills on the dollar in any one year; Provided, however, that such tax shall in no case be levied, nor shall such bonds be issued until at some regular

Tax to pay bonds issued for turnpike purposes.

election, held in such incorporated villages, the majority of the qualified electors of such villages shall approve thereof; and, provided further, that in case the amount to be appropriated for any one road should not exceed the sum of five hundred dollars, the said town councils of such incorporated villages may appropriate and apply the same in money for said road improvement, out of any money on hands or funds not otherwise appropriated, without issuing bonds or levying a tax, such appropriation to be made by an ordinance passed for such purpose, specifying particularly the amount and for what road appropriated.

SEC. 2. That section three of the above mentioned act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 23, 1875.

AN ACT

To refund to the Ohio University certain funds in the State Treasury, and to provide for the future payment of the claims of said University.

WHEREAS; The owners of the leasehold estates to certain lands in Athens and Alexander townships, Athens county, Ohio, have surrendered their leases and taken permanent deeds to their lands; and

WHEREAS; Such lands after being so entered, come upon the tax duplicate for state taxation, and the money arising from such state taxes is in the state treasury, in equity belonging to the endowment of said University, thereby reducing the income of said University; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby required to draw his order in favor of the treasurer of the Ohio University, for the amount of such taxes heretofore paid into the treasury, with interest on the same since it was so paid in.

SEC. 2. That annually, hereafter, the auditor of state shall draw an order on the treasurer of state in favor of the treasurer of the Ohio University, on the first day of January, for the amount of state taxes paid on said lands, described in the first section of this act, for the year preceding the date of said order.

Auditor of state to repay certain taxes to Ohio University.

Annual payments hereafter.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 25, 1875.

AN ACT

To amend section one of an act entitled "An act to fix the rates of toll on Turnpike and Plankroad Companies," passed March 16, 1865. (S. & S., page 147.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above mentioned act be amended so as to read as follows:

Section 1. That every turnpike or plankroad company entitled to charge tolls by the laws of this state, shall be authorized to receive from persons traveling on, or using said road, the following toll for every ten miles travel on such road, and in the same proportion for any less distance, to wit: For every four-wheeled carriage, or other vehicle drawn by one horse or other animal, fifteen cents, and for each additional animal, five cents; for every sled or sleigh drawn by one horse, or other animal, five cents, and for each additional animal, five cents; for every horse or mule and rider, five cents; for every horse, mule, or ass, six months old or upward, three cents; for every head of neat cattle, six months old or upward, one cent; for every head of sheep or hogs, one-half cent; for every stage coach or omnibus, drawn by two horses, or other animals, thirty cents, for each additional animal, ten cents; for every two-wheeled carriage drawn by one horse, mule, or other animal, ten cents; Provided, said board of turnpike directors shall have power and are hereby required to regulate burdens that may be transported over said turnpikes, and prescribe the width of tire on such vehicles used by persons engaged in the business of transporting unusually heavy loads of timber, stone, gravel and other heavy material over said turnpikes; provided, such width of tire shall not be required to exceed five and one half inches; provided, that any person or persons going to and from their regular place of worship on the Sabbath, funerals, militia musters, elections, jurymen going to and returning from their attendance at court, the troops and armies of the United States, and of this state, may pass on any such turnpike or plankroad free of toll; provided, that this act shall not apply to any turnpike companies which are in debt for the original construction of said turnpike, until five years from the passage of this act, but such turnpike companies shall be allowed to charge and collect the same tolls that they are now authorized to collect by the act to which this is amendatory.

Tolls chargeable on turnpikes and plankroads.

Regulation of burdens, width of tire, etc.

Who may pass free of toll.

Proviso as to roads in debt.

SEC. 2. That section one of the act to which this is amendatory be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 27, 1875.

AN ACT

To authorize the common council of cities of the first class, having a population over two hundred thousand inhabitants, to issue bonds for Water-works.

Common council may issue bonds to complete water-works, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the common council of any city of the first class having a population of over two hundred thousand inhabitants, and wherein water-works have been constructed for the purpose of completing reservoirs now being constructed, and for laying water pipes and constructing engines, are hereby authorized and required, upon the application of the board of trustees of such water-works, to issue the bonds of the city for any sum not exceeding three hundred thousand dollars, in bonds of one thousand dollars each, to be executed in the usual manner of executing bonds by said city hitherto, principal and interest to be payable at the city treasury, bearing a rate of interest not to exceed seven per cent. per annum, payable half yearly from the income of the water-works, at such dates and for such lengths of time as they may deem expedient, not exceeding twenty years, (a sinking fund to redeem said bonds at maturity shall be raised and reserved yearly from the income of said water-works, and shall be used for no other purpose than to take up and retire said bonds), the same to be sold for not less than par value, their sale to be under direction of said trustees of the water-works, and the proceeds thereof to be applied exclusively to the above named purposes.

Board of trustees to create a sinking fund.

SEC. 2. That the board of trustees of the water-works of said cities, shall, under the direction of the common council, create a sinking fund by appropriating a certain percentage of its income from the water rates to meet the payment of the interest and principal of said bonds

Sale of bonds to be advertised.

SEC. 3. Whenever any of the bonds herein provided for shall be for sale, not less than ten days previous notice of said sale shall be advertised in Cincinnati; said advertisement to be published daily until the day of sale. The advertisement shall specify that sealed bids will be received at a place until a day and hour designated, the bids shall then be opened and read in the presence of the bidders present, and

the bonds shall be sold to the highest bidder, the city, however, reserving the right to reject all bids. The trustees of said water-works shall not hereafter be permitted to create any debt whatever for the prosecution of the said water-works beyond the yearly net income of the said water-works, nor make any contracts in any year that cannot be met and paid from the income of said water-works for the year, and all debts created in violation of these provisions shall be absolutely void, nor shall the common council of any such cities raise any debt, or borrow any money for the use of said water-works contrary to the provisions of this act, and every trustee of said water-works that may violate the provisions of this act shall be promptly removed from his office and forever after disqualified to hold any office of trustee in said city.

No subsequent debt to be created.

Penalty for violation.

SEC. 4. This act shall take effect on and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 27, 1875.

AN ACT

To provide for the revision and consolidation of the statute laws of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor be and he is hereby authorized and required, by and with the advice and consent of the senate, to appoint three competent commissioners to revise and consolidate the general statute laws of the state, which may be in force at the time such commissioners shall make their report, and in case a vacancy shall occur in said commission by reason of death or resignation, the governor is hereby authorized to fill said vacancy.

Governor to appoint three commissioners to revise the general laws.

SEC. 2. That in performing this duty, the said commissioners shall bring together all the statutes and parts of statutes relating to the same matter, omitting redundant and obsolete enactments, and such as have no influence or existing rights or remedies, making alterations to reconcile contradictions, supply omissions, and amend imperfections in the original acts, so as to reduce the general statutes into as concise and comprehensive a form as is consistent with clear expression of the will of the general assembly, rejecting all equivocal and ambiguous words, and circuitous, and tautological phraseology. They shall arrange the said statutes under suitable titles, divisions, sub-divisions, chapters and sections, with head notes briefly expressive of the matter contained therein, with marginal notes of the contents of each section, with reference to the original act from which it is

Duties of the commissioners in revising and consolidating the laws.

compiled, and with foot notes of the decisions of the supreme court upon the same. They shall provide by an index for an easy reference to every portion of their report.

Report to be submitted to the general assembly in print.

SEC. 3. That when the commissioners have completed the revision and consolidation of the statutes as aforesaid, they shall cause a copy of the same, in print, to be submitted to the general assembly for re-enactment, and shall also, with their report, designate such statutes and parts of statutes, as in their judgment ought to be repealed, with the reasons in brief for such repeal.

Report to be made as soon as practicable.

SEC. 4. That the statutes so revised and consolidated shall be reported to the general assembly as soon as practicable, and the whole work closed without unnecessary delay.

Commissioners to have access to rolls, records, etc.

SEC. 5. That said commissioners shall have free access to the rolls, books and records, in the several departments of the state government, may employ such clerical services as may be required, with the consent of the governor, and shall be furnished by the state, with suitable rooms for the prosecution of the work, and all necessary stationery.

Shall report progress, expenses, etc., to governor; compensation, etc.

SEC. 6. That each of said commissioners shall render an account to the governor, from time to time, of the time actually employed in the work of the commission, and the said commissioners shall also render an account of the clerical service and the incidental expense of the same, together with all incidental expenses incurred by said commission. Each of said commissioners shall receive ten dollars per day, for the time actually employed in the work of the commission. And each clerk employed by the commission, shall receive four dollars per day for his services. The same, together with the incidental expenses of said commission, shall be paid from time to time, upon the certificate and warrant of the auditor of state, out of any funds in the treasury not otherwise appropriated.

SEC. 7. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 27, 1875.

AN ACT

To facilitate the Administration of Justice.

Bailiff to be appointed by court of common pleas or district court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for each judge of the court of common pleas or district court in session, in any county in this state, on the application and recommendation of the sheriff of the county, to appoint a suitable person bailiff, who shall be sworn to faithfully and honestly perform

his duties as an officer of said court, and as constable of any jury impaneled in said county during the term for which he is appointed.

SEC. 2. That said bailiff shall have the qualifications of an elector of the county in which he is appointed, and shall, under the direction of the court, preserve order, and perform such other duties as shall be required of him by the court. He shall have the same power to make up and impanel jurors, which by law the sheriff of the county has, except in capital cases.

Qualifications, duty, etc., of bailiff.

SEC. 3. That said bailiff shall receive for his services the same compensation as is or may be paid to regular jurors in the court of common pleas. The amount of his service shall be certified by the court, and he shall be paid out of the county treasury on the order of the county auditor.

His compensation.

SEC. 4. This act shall take effect from its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART.

President of the Senate.

Passed March 27, 1875.

AN ACT

To authorize the election of two additional judges of the court of common pleas in the third sub-division of the second judicial district of Ohio, and to repeal an act to establish a superior court for Greene county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* Two-thirds of the members elected to each branch thereof concurring, that there shall be two additional judges of the courts of common pleas in and for the second judicial district of Ohio, who shall reside in the third sub-division thereof, and who shall be elected by the qualified electors of the counties of Clarke, Greene, Warren, and Clinton, comprising said third sub-division.

Two additional judges to be appointed.

SEC. 2. The first election of said additional judges shall be held on the first Monday of April, A. D. 1875, and their terms of office shall commence on the first Monday of May, A. D. 1875, and shall continue five years; "and their successors shall be elected on the second Tuesday in October, A. D. 1879, and every five years thereafter."

First election thereof.

SEC. 3. It shall be the duty of the sheriff of each county of said sub-division at least eight days before the first Monday of April, A. D. 1875, to give notice by proclamation as is now provided by law, of the time and place of holding such elections, which shall be conducted and the returns thereof made in the same manner as required by law in cases of the election of judges of the court of common pleas.

Eight days' notice to be given.

Compensation of the judges, jurisdiction, etc.

SEC. 4. That said judges, when elected and qualified, shall receive the same compensation as other judges of said court, and shall also, in every respect, have the same jurisdiction, possess the same powers, discharge the same duties, and incur the same penalties as are now or may hereafter be enforced or enjoined by the constitution and laws of the state of Ohio, upon other judges of said court.

Vacancy, how filled.

SEC. 5. That should a vacancy occur in the office of said additional judge or judges by death, resignation or otherwise, such vacancy shall be filled as in vacancies in the office of the other judges of said court.

Superior court of Greene county abolished. Transfer of business to common pleas court.

SEC. 6. That the act to establish a superior court for Greene county passed February 20, 1871, be and the same is hereby repealed, the repeal to take effect May 1, A. D. 1875.

SEC. 7. That on and after the said first day of May, A. D. 1875, all the causes and business then pending in said superior court, shall be transferred to and proceeded with in said court of common pleas in the same manner as if originally commenced therein; provided, nothing herein contained shall be construed as requiring a re-entry of the causes in said superior court, in the appearance docket of said common pleas; but the appearance docket of said superior court, and other records thereof, shall be used in preserving and completing the records of the causes so transferred.

SEC. 8. This act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the senate.

Passed March 27, 1875.

AN ACT

To amend section nine of the act entitled "An act to establish the superior court of Montgomery county," passed March 29, 1856. (S. & C., 392.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section nine of the act entitled "An act to establish the superior court of Montgomery county," passed March 29, 1856, be so amended as to read as follows:

Terms of the superior court of Montgomery county.

Section 9. The terms of said court shall commence on the first Mondays of October, January, March and May, and said terms shall be respectively called the October, January, March and May terms, and said terms may be continued and held from the time of their commencement every day, Sundays excepted, until and including the last Saturday before the first day of the next term, excepting the May term, which shall end the Saturday preceding the first Monday of July. In the months of July, August and September, a term or terms of said court may be held if directed by the court at any previous term.

SEC. 2. Said original section nine is hereby repealed.

SEC 3. This act shall take effect on the first day of April, 1875, and the present March term of said court shall be extended and end on the last Saturday before the first day of May, 1875.

March term,
1875, extend-
ed.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 27, 1875.

AN ACT

Supplementary to an act to authorize the increase of Capital Stock of Railroad Companies, passed May 5, 1873. (O. L., vol. 70, pages 289, 290 and 291.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any railroad company heretofore incorporated under any general law, or which may hereafter be incorporated under the general laws of this state, whenever in the opinion of a majority of the directors thereof the capital stock of the company is insufficient for the construction and equipment of the road, may increase the capital stock of said company in accordance with the provisions of the act to which this is supplementary.

Railroad
companies
may increase
capital
stock.

SEC. 2. This act shall take effect and be in force on and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
Speaker [President] of the Senate.

Passed March 29, 1875.

AN ACT

To provide for an additional sub-division of the ninth judicial district of the State of Ohio, and the election of an additional judge therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the county of Stark shall constitute the first sub-division; the counties of Trumbull, Portage and Mahoning, shall constitute the second sub-division; the counties of Geauga, Lake and Ashtabula, shall constitute the third sub-division; and the counties of Carroll and Columbiana shall constitute the fourth sub-division of the ninth judicial district of the state of Ohio, and these counties

Sub-divi-
sions of ninth
district.

Additional
judge to be
elected.

together shall compose and form said ninth judicial district.

SEC. 2. That there shall be one judge of the court of common pleas in and for the fourth sub-division of the ninth judicial district, who shall be a resident of said fourth sub-division thereof, and who shall be elected by the qualified electors of the said counties composing said fourth sub-division, at the annual election therein for state and county officers, on the second Tuesday in October, A.D. 1875, which election for said judge shall be held, and the returns thereof made in accordance with the provisions of an act to regulate the election of state and county officers, passed May 3, 1852, and the acts amendatory thereof and supplementary thereto, whose term of office shall begin on the first Monday in November, A.D. 1875, and which judge shall be again elected at the annual election in October of the year A.D. 1880, and every five years thereafter, in the same manner, and for the same term of office, as is prescribed by the constitution and laws of the state of Ohio, for the election of judges of said courts, and said judge when elected and qualified, shall receive the same compensation, have the same powers and in every respect be as other common pleas judges in the state of Ohio.

Sheriffs to
give notice of
election, etc.

SEC. 3. That it shall be the duty of the sheriff of each county composing the fourth sub-division of the ninth judicial district, to give notice, by proclamation, to the qualified electors of their respective counties, at least fifteen days prior to the second Tuesday in October, A.D. 1875, in the usual way and places, as is required by law at the October elections, which shall be conducted, and the returns thereof made in the same manner as required by law in case of the election of other judges of the court of common pleas, except that the abstract of the election shall be transmitted by the clerks of the respective counties composing said sub-division of said judicial district to the secretary of state, who shall count the votes and certify the same to the governor, and thereupon the governor shall issue a commission to the person elected such judge.

Present
judge to con-
tinue to close
of his term.

SEC. 4. That the judge now in office in the first sub-division of the ninth judicial district, including the counties as heretofore constituted, shall remain in office and be the common pleas judge of the first sub-division of the ninth judicial district as now constituted, for the remainder of the term for which he was elected to serve as common pleas judge in the first sub-division of the ninth judicial district as constituted heretofore.

Terms of
court not to
be interfered
with prior to
second Mon-
day of May.

SEC. 5. Nothing herein shall be so construed as to interfere with the regular time for holding courts in any of the counties composing the first sub-division of the ninth judicial district, as heretofore constituted, prior to the second Monday in May, 1875.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To amend sections four and five of an act entitled "An act providing for the punishment of crimes," passed March 7, 1835. (S. & C., p. 401.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections four (4) and five (5) of an act entitled "An act providing for the punishment of crimes," passed March 7, 1835, be amended so as to read as follows:

Section 4. That if any person shall have carnal knowledge of his daughter or sister, forcibly and against her will; or if any person shall have carnal knowledge of any female child of the age of twelve years or under, forcibly and against her will, every such person so offending shall be deemed guilty of a rape, and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor during life.

Rape upon daughter, sister, or child, under twelve years.

Section 5. That if any person shall have carnal knowledge of any other woman, or female child above the age of twelve years, than his daughter or sister, as aforesaid, forcibly and against her will; or if any male person of the age of seventeen years and upwards, shall carnally know and abuse any female child, under the age of ten years, with her consent; every such person so offending, shall be deemed guilty of a rape, and, upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than twenty, nor less than three years.

Rape upon other female.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To authorize the board of county commissioners to lay out and establish free turnpike roads, and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That after the passage of this act, free turnpike roads shall be authorized, and commissioners appointed to lay out and establish the same in the following manner, to wit: When a majority of all the landholders residing in the county, who own lands lying within the bounds of any free turnpike, as provided in this act, shall present a petition to the board of county commissioners at any regular session of their board, asking the appointment of commissioners to lay out and establish a free turnpike road between any points

Commissioners to lay out and establish free turnpikes; petitions therefor.

within such county, and shall satisfy such commissioners that public notice has been given by advertisement in some newspaper of general circulation in such county, of such intended application, for at least four consecutive weeks preceding such general meeting; said commissioners shall appoint three judicious freeholders of the county to be commissioners of such free turnpike road, who, by the name fixed by said county commissioners, shall be a body corporate, for the purpose of laying out and establishing a free turnpike road between the points within such county named in said petition. Said petition and the appointment of such free turnpike road commissioners, shall be entered upon the minutes of the proceedings of said board of county commissioners, and a certified copy of such entry furnished to said road commissioners by the clerk of said board, upon demand therefor, and the said board of county commissioners may remove any or all of the commissioners of any free turnpike road, when petitioned so to do by a majority of the resident land owners residing within the county who own lands within the bounds of such road; Provided, that on the removing of any such commissioner or commissioners, the vacancy shall be at the same time filled by the appointment of some other freeholder of the county.

Commissioners to proceed on petition, etc.

SEC. 2. Said commissioners, so appointed by the board of county commissioners as aforesaid, and who shall qualify as hereinafter provided shall within a reasonable time, proceed to lay out and establish such free turnpike road within the points named in said petition, and as soon thereafter as the same can be done return to said board of county commissioners a map and profile of such road, including upon said map, as near as can be done, the names of the land holders whose property may be liable to be taxed for its construction, as hereinafter provided, together with a statement of the probable cost of building and completing said free turnpike road.

Map, profile and statement of cost to be transmitted to auditor; levy for cost.

SEC. 3. That said board of county commissioners shall immediately thereafter transmit to the auditor of said county said map and profile, and the statement of the probable cost of the construction of said road, as returned to them by said road commissioners, and shall at the same time levy upon the grand duplicate of the county, for the purpose of constructing, improving and repairing said free turnpike road, any amount of money that may be desired, not exceeding ten mills on the dollar valuation in any one year, on all the lands and taxable property within the bounds of said road, as laid out and established by the commissioners appointed for said purpose, and as provided in section eight of this act, and immediately certify their said levy to the auditor of said county, who shall enter the same upon the duplicate for collecting, in the same manner as other taxes are entered thereon for purposes of collection; and that, when any tax as aforesaid, shall be levied it shall be for the term of five years and no longer, unless at the expiration of the five years, as aforesaid, the petition shall be renewed, and in that event such tax shall be levied for a period of one year longer; Provided, that if at any

time after the first levy is made the commissioners of any free turnpike road shall be satisfied that the road can be built with a less sum than is provided in this section, the county auditor shall, on the order of the commissioners of said road, reduce the extra tax, or abate it entirely; provided, that when any of said freeholders have previously made, or have been previously taxed to make any free turnpike already completed, or in progress of completion, they shall only be taxed pro rata as to the making of the remainder of said turnpike or the continuance thereof; provided, further, that when any of said freeholders, or those from whom they derive their title, have, before the levy of said tax, improved at their own expense, by macadamizing or graveling, any portion of the line of said proposed free turnpike road adjacent to their lands, they shall, if by said improvement said portion has been made and maintained so as to be at that time wholly fit for a free turnpike road, or if by said improvement said portion is in part only suitable for a free turnpike road, be entirely exempt as to the lands and other property on either side of and opposite to said improved portion from the payment of said extra tax, or have credit upon said extra tax, in the proportion that such labor performed bears to the average amount of labor required to construct such part of the entire line of such proposed free turnpike road. Said pro rata tax exemption or credit shall be determined by said auditor, and the commissioners of said proposed free turnpike road, at any time before payment of said extra tax, upon the application of any person interested; but said determination by said auditor may be reviewed and corrected by the court of common pleas, upon the petition of any person claiming such pro rata reduction, exemption or credit, and upon such evidence as may be produced upon the hearing. It shall be the duty of the county treasurer to collect the extra tax hereby provided for in the same manner as state and county taxes are collected; provided, that the words "bounds of the roads," and "line of the road," whenever used in this act shall be held to include so much land on either side of such road as may be charged with such extra tax.

Exemption
of persons
previously
taxed, etc.

County
treasurer to
collect tax.

SEC. 4. That said road commissioners shall severally execute a bond payable to the state of Ohio, for the use of the county in which such road shall be located, with good and sufficient security, to be approved by said board of commissioners of said county, and in such sum as said board shall think proper, conditioned for the faithful performance of their duties as such road commissioners, and shall, moreover, each take an oath faithfully and honestly to discharge their said duties before they shall be authorized to do or perform any matter or thing under this act. That said road commissioners after qualifying as aforesaid, shall immediately meet and organize their board by choosing one of their number as president thereof, and within a reasonable time thereafter proceed to view, locate and establish said free turnpike road in the manner provided in this act.

Bond and
oath of com-
missioners.

Organization
of board.

SEC. 5. That the commissioners named in this act shall have power to appoint a superintendent or superintendents,

Superintend-
ents to be ap-
pointed.

and such other agents as they may deem necessary to carry into effect the provisions of this act; a majority of said commissioners shall be a quorum, having power to transact any business and exercise any power devolving upon or entrusted to them by this act; and they shall keep a record of their proceedings, which shall at all times be open for inspection by any person interested or desiring to inspect the same.

Subscriptions and donations may be received.

SEC. 6. The commissioners shall have power to receive subscriptions and donations in money or property, real or personal, which shall be applied to the construction of said road; they may make contracts for the constructing the same in a solid and durable manner and keeping the same in repair; they may open and finish said road in the first instance, along such portions of the line thereof available for travel or transportation, and they shall have power to purchase and procure all necessary implements and fixtures to preserve said road; and the said commissioners shall have the power to contract for and purchase such stone, gravel and other material as may be necessary for the construction and keeping in repair said road; and if the commissioners and the owners of such stone, gravel or other material cannot agree on a price deemed fair and reasonable, the commissioners may apply to the judge of the probate court of the county to appoint appraisers to assess the value of said stone, gravel or other material, and on the filing of such application it shall be the duty of such probate judge of the county to appoint three disinterested freeholders, who, after being duly sworn to impartially assess the value of the said materials, or any part of the same, shall enter upon the premises of the owner or owners of said materials and assess the value thereof; they shall also assess the damages that will accrue to the owner or owners of said material by the removing of the same through his premises; and appraisers shall, within ten days after appointment, return their award to the probate court; thereupon the probate judge shall require the said commissioners to pay for or give security for the payment of all materials to be taken, and damages done to the owner of the premises; the judge of the probate court shall, in ten days after the return of said award, on application of the commissioners, furnish them a copy of said award; thereupon said commissioners may enter upon the lands either inclosed or uninclosed, and remove such stone, gravel or other materials as may be required to make a good road; Provided an appeal has not been taken from said award in twenty days, as provided in this section; Provided further, that an appeal from the decision of the appraisers may be taken by either party to the court of common pleas, within twenty days after the rendering of said award; Provided that the appellant shall enter into an undertaking to the adverse party in a sum not less than fifty dollars, and in all cases not less than double the amount of such award.

Purchase of stone, gravel, etc.

Duty of probate court.

Donations of land.

SEC. 7. The commissioners shall have power to receive donations of land to aid in the construction of said road and to sell and convey the same in fee simple, and they may take releases of the right of way.

SEC. 8. That for the purpose of constructing free turnpike roads authorized by this act, extra taxes may be levied as hereinafter provided, on all property, real and personal, within one mile on each side of said free turnpike road, except when any free turnpike road which has been macadamized or graveled, shall cross a free turnpike road which is either completed or in process of construction, then such lands and personal property as lie within one mile on either side of where such free turnpike roads cross each other, shall be assessed and taxed in proportion to the benefits that may be derived by the owners of such lands and personal property from the construction and use of such free turnpike road, except when any state, county or free turnpike road shall run upon either side of such road within less than two miles, then the taxes shall be levied on such lands and personal property as lie within one-half the distance of such roads.

SEC. 9. That so much of the taxes annually levied for road purposes by the trustees of townships, which may be collected within the bounds of any free turnpike road, including the two days labor authorized by law, shall be laid out in the construction and repair of the same, and all persons owing such taxes or labor, who may wish to discharge the same [in] labor, shall apply the same under the direction of said commissioners or their agents appointed for that purpose, between the first day of April and the first day of October, of each year, at the customary rate of wages per day, and a suitable allowance for teams, and for the amount of the road taxes appearing upon the duplicate, chargeable to the person performing said labor, or to his property, the said commissioners shall give a receipt, which shall be received by the county treasurer on account of their tax due and owing as aforesaid.

SEC. 10. That so much of the taxes mentioned in the preceding section which shall not be discharged in labor and which shall be paid into the county treasury, shall be paid by the treasurer upon the warrant of the auditor of the county, to said road commissioners, to be expended by them in constructing, improving or repairing such free turnpike road; Provided, that when two or more free turnpike roads cross each other, the county commissioners of any county, through or in which any such roads, or any part thereof may be located, are hereby authorized to make such equitable division or apportionment among said roads of said taxes, (other than extra taxes) as said commissioners may deem proper, the same to be discharged in labor, under the direction of said road commissioners, or to be paid to them in money, as hereinbefore provided.

SEC. 11. The said commissioners shall annually, on the first Monday in December, make a full settlement and statement with the county commissioners of the several counties in or through which their respective roads may be located, of all their receipts and expenditures within such county, and deposit a copy thereof in the auditor's office of the county.

E

How money
from taxes to
be used.

Taxes not
discharged
by labor, to
be expended
by commis-
sioners.

Annual
statement
and settle-
ment.

Suit against
commission-
ers for de-
fault of duty.

SEC. 12. Should such commissioners fail to make settle-
ment as provided by the eleventh section of this act, the
county commissioners shall, at the next term of the court of
common pleas of the county, cause suit to be instituted
against such commissioners in the corporate name of the
road, to enforce such settlement.

To be con-
ducted by
prosecuting
attorney.

SEC. 13. Such suit shall be conducted by the prosecuting
attorney of the county, and such delinquent commissioners
shall be held prima facie liable for the full amount of taxes
and money which were applicable to the construction of said
road as the same appears upon the tax duplicate of the
county, and in all cases judgment shall be rendered against
said commissioners for all the costs of the suit.

Commis-
sioners a
body corpor-
ate.

SEC. 14. That the said commissioners and their succes-
sors shall be a body corporate under such name as the com-
missioners of the county may designate, for the purpose of
carrying into effect the provisions of this act, and it shall be
their duty to prosecute for all obstructions to said road, or for
injuries done to the same, or the bridges thereon; and the
amount recoverable in each case shall be the amount of
damages actually found by the court or jury, and the inter-
est thereon; and in all cases the said commissioners shall
have a right to sue, either before a justice of the peace or in
a court of common pleas of the proper county, which suit
shall be appealable as in other cases; and the amount so col-
lected in each case shall be used for the benefit of said road,
and shall be paid over to said commissioners.

Compensa-
tion of com-
missioners,
etc.

SEC. 15. The commissioners, superintendents and agents
of said road shall be allowed two dollars per day for every day
actually employed on the business of said road; and when
any vacancy shall happen in said board of commissioners by
death, resignation or otherwise, the county commissioners of
the county in which such vacancy may occur, on brief notice
thereof, shall fill the same.

Expenses,
how paid.

SEC. 16. The expenses of surveying and location, and
other expenses incidental to the construction of said road,
shall be paid out of funds appropriated by this act to the
construction, prosecution and repair of the same, and the
sum paid to the surveyor and his assistants shall not exceed
to [the] customary wages per day for every day they may be
actually employed in locating and surveying said road.

Petitions to
be signed by
freeholders
only.

SEC. 17. That all the petitions to the county commission-
ers to appoint commissioners to lay out and establish free
turnpike roads, and to levy an extra tax for the construction
and keeping the same in repair, and all remonstrances against
either of the same, shall only be signed by freehold tax payers,
resident within the county in which the road is situated,
owning lands within the bounds of said road, as described in
said section eight of this act; that minor heirs residing in the
county, and owning lands in said bounds, shall not be counted
for or against said road or extra tax, unless represented by
their legal guardian. And all heirs, either adults or minors,
to any undivided estate, shall only be entitled to one vote for
or against said road or tax.

SEC. 18. That persons liable to do two days' labor annually on the public highways, residing within the bounds of any free turnpike road, shall do the same under the direction of the commissioners or agents of said road after being notified three days previous of the time and place of doing two days' work, between the first day of April and the first day of October; Provided, they may pay to said superintendent the sum of three dollars in lieu of said two days' work, if paid when notified to do the work; in case of refusal or neglect to do the same, shall pay a fine of one dollar for every such offense, and shall further be liable in cases of non-attendance, to the amount allowed for two days' work, to be collected by said road commissioners, in the same manner that supervisors are authorized to collect in similar cases.

Appropriation of two days' labor.

SEC. 19. That the county commissioners may, when they believe the public interest requires it, make donations for building and repairing bridges and culverts on any free turnpike road, and for material for keeping such road in repair, to the same extent as township trustees and county commissioners are now allowed to make for state, county and township roads. "They may also make donations if they deem it advisable to do so, for purchasing gravel for the building of any free turnpike road." The county commissioners are also authorized to donate for the benefit of any free turnpike road, in course of construction, a sum of money as nearly equal, as can be ascertained to what the land owners whose lands will be assessed, for the purpose of constructing such free turnpike road, have heretofore paid for building the bridges, and culverts, on other improved roads, and free turnpike roads.

Donations for bridges and culverts, etc.

SEC. 20. That when two consecutive miles or more of any free turnpike road is made in good order for travel or transportation, and the tax from the grand levy and the two days' labor will not keep the same in repair, and three-fourths of the resident freeholders on said road, as provided in the eighth section of this act, after giving notice as required in the first section of this act, shall petition the county commissioners, it shall be their duty to authorize the commissioners of said road to place a gate or gates on their road, and charge such rate of toll, when added to the common tax of the grand levy and the two days' work, as will keep said road in good repair; provided, that no greater rate of toll shall be charged than is allowed by law to turnpike roads of this state; and said road commissioners shall continue to manage said free turnpike road, and have the benefit of all laws regulating turnpike roads of this state, in the collection of tolls and other matters pertaining to the maintenance and preservation of said road.

Gates and toll.

SEC. 21. That the commissioners of any free turnpike road authorized by this act may divide said road into two or more districts, when it will be for the interest and convenience of the corporation so to do; provided, however, that such division shall not be made unless a majority of the resident freehold taxpayers as aforesaid, petition such commissioners therefor; and all the road tax, extra tax and two days' labor within each district, shall be applied to the construction and

Division of roads into districts.

Change of
location.

repair of said road within said district, under the direction of the commissioners or their agents, and the commissioners shall keep a record of the same as they are required to keep a record of their proceedings in the fifth section of this act.

SEC. 22. That the board of county commissioners of any county shall be and are hereby authorized to change the location of any part of any free turnpike road, in the same manner and on the same conditions that they are by law authorized to change the location of any part of a county road, and the same laws applicable to the alteration of county roads shall be applicable in such cases to free turnpike roads.

Claims for
damages.

SEC. 23. All claims for damages arising out of the location of any free turnpike road, shall be settled in the manner prescribed by the act for opening and regulating roads and highways.

Construction
of roads in
different
counties.

SEC. 24. That when the resident landowners along any road in this state, reside in different counties, and wish, under the provisions of this act to improve the same, they shall petition the board of county commissioners of their respective counties as required by the first section thereof, and in such case, it shall be lawful for the commissioners of the different counties, as aforesaid, to join in carrying out the provisions of this act by severally appointing commissioners to lay out and establish a free turnpike road, in all respects as if said petitioners resided wholly in one county. That said commissioners so appointed, as aforesaid, shall qualify, as in this act provided, and shall immediately proceed to lay out and establish said free turnpike road and severally make return to the board of county commissioners of their respective counties, a map, profile and estimate of the cost of construction of said free turnpike road, as provided in second section of this act. That the board of county commissioners of each county shall immediately transmit to the auditor thereof, said map, profile and estimate of the cost of construction of said free turnpike road, and shall, at the same time, levy upon the grand duplicate of such county, for the period, and under the limitations mentioned in this act, any amount of money that may be desired, not exceeding ten mills upon the dollar valuation in any one year, on all the lands and taxable property in such county, within the bounds of such free turnpike road so laid out and established, and as provided in section eight of this act, and shall certify said levy to the auditor of such county, in the manner provided in the third section of this act, and the respective auditors of said counties shall be governed in all respects by the provisions of said sections in entering said levies upon the duplicate for collection, and in all other matters pertaining thereto, in conformity to this act. And said several boards of road commissioners, in all of their subsequent joint acts, pertaining to the construction and repair of any such free turnpike road, shall be governed in all respects by the provisions of this act, and to the same extent, as if said road were laid out and established wholly in one county; provided, that where resident land owners desire to make a free turnpike road on a county line between two or more counties in this state, and it shall so happen that there

are no resident land holders in one or more of said counties, within the bounds of said proposed road, in such case, a copy of the petition presented to the commissioners of the county in which there are resident land owners within the bounds of said proposed road (if the same is allowed, and the road established by the commissioners of said county,) shall be presented to the commissioners of the county in which there are no resident land owners within the bounds of said road, and they shall act on the same in all respects as if said petitioners were residents of such county.

SEC. 25. That in laying out and establishing free turnpike roads under and by virtue of the provisions of this act, it shall be lawful to lay out and establish the same in whole or part, upon the line of any state, county or township road, or upon any two or more of said roads.

SEC. 26. That the commissioners of any free turnpike road, whenever they shall deem it necessary for the purpose of constructing a free turnpike road, are hereby authorized to issue bonds, payable in installments, or at intervals not exceeding in all the period of six years, bearing interest not exceeding eight per centum, payable semi-annually, which bonds shall not be sold for less than par, and the extra taxes levied under the provisions of this act, shall be divided in such manner as to meet the payment of the interest and principal of said bonds, and when collected, the money arising therefrom shall be paid to said road commissioners by the treasurer upon the warrant of the auditor of the county; and said road commissioners shall apply said money, first, to the payment of their bonds and interest, and, next, to the construction and improvement of said free turnpike road, and in discharging any indebtedness incurred on account thereof. The bonds which may be issued by commissioners of free turnpike roads, shall be made payable at the office of the treasurer of the county.

SEC. 27. That when a majority of the persons qualified as petitioners for an extra tax for each of two or more free turnpike roads that are so situated that, by one ending in another, or by one crossing another, or otherwise, they form a continuous line or lines of travel, shall present a petition or petitions to the commissioners of the county in which such roads are situate, at any regular session of their board, asking for the consolidation of such roads, and shall satisfy such commissioners that notice of such intended application has been given in the manner prescribed by the first section of this act, said commissioners shall, if they are satisfied the consolidation will be to the benefit of said road and the public, enter upon their minutes, an order consolidating said road, and appointing commissioners for the consolidated road, who shall have all the powers, and perform all the duties, in relation thereto prescribed by said act, and from and after the organization and qualification of said commissioners, the powers of the commissioners of the several roads so consolidated shall cease, and said roads shall thenceforward constitute one free turnpike road, to which all the laws relating

Roads upon
line of state,
county or
township
roads.

Issue of
bonds when
necessary.

Consolidation of two
or more
roads.

repair of said road within said district, under of the commissioners or their agents, and the shall apply, shall keep a record of the same as they are so established. a record of their proceedings in the fifth

Change of location.

SEC. 22. That the board of county or consolidation, shall be county shall be and are hereby authorized according to law, tion of any part of any free turnpike consolidated road for ner and on the same conditions that moneys in the treasury or ized to change the location of any for either of said roads the same laws applicable to the provided, that the commis shall be applicable in such case shall have the same powers

Claims for damages.

SEC. 23. All claims for damages levies as are or may be pro of any free turnpike road levies of free turnpike roads. prescribed by the act for highways.

Construction of roads in different counties.

SEC. 24. That whe consolidation, it shall be the duty road in this state, res of the several roads forming the same the provisions of the with the county commissioners, and petition the board moneys or other property, and also all tive counties as and papers belonging or pertaining to such such case, it commissioners of such consolidated road.

different cor That the provisions of this act shall extend to provisions to all free turnpike roads now in process of to lay out applicable to all free turnpike roads now in process of as if said liquidating any indebtedness incurred on account of comm this board of county commissioners are hereby

authorized to continue the tax originally levied for construct es the same, for a period not exceeding in the aggregate,

SEC. 31. Certificates from said road commissioners to per sons owing any free turnpike tax, for labor performed in dis charge of the same, shall be receivable by the treasurer of the county, in payment of said tax. Said certificate shall specify the amount of tax so paid, and in no case, exceed the amount of extra tax charged against such person upon the duplicate of the county, provided that such certificates shall be receivable only during the December collection of taxes.

SEC. 32. The following act and parts of acts be, and the same are hereby repealed. An act to authorize the county commissioners to lay out and establish free turnpike roads, and to repeal certain acts therein named, passed and took effect, April 15, 1867. (S. & S., page 680). An act entitled an act to amend sections one, fifteen, sixteen, seventeen and twenty of an act entitled, "An act to authorize the county commissioners to lay out and establish free turnpike roads; and to repeal certain acts therein named," passed April 15, 1867, passed April 26, 1871. (Ohio Laws, vol. 68, page 80). An act entitled an act to amend section twenty-three of an act entitled "An act to authorize county commissioners to lay out and establish free turnpike roads and to repeal certain acts therein named," passed April 23, 1868. (Ohio Laws, volume 65, page 53.) An act entitled "An act to amend section six (6) of an act amendatory and supplementary to an act to authorize the county commissioners to lay out and establish free turnpike roads," passed April 15, 1867. (O. L., vol. 64, page 171) as amended May 16, 1868. (O. L., vol. 65,

passed February 20, 1872. (Ohio Laws, vol. 69, an act entitled an act supplementary to an act to authorize the county commissioners to establish free turnpike roads, and to repeal certain acts, passed April 5, 1867. (S. & S., March 7, 1872. (Ohio Laws, vol. 69, page 19.) and an act amendatory and supplementary to an act authorizing the county commissioners to lay out and establish free turnpike roads, passed April 15, 1867. (64 vol. 69, page 19.) and took effect May 16, 1868. (S. & S., March 7, 1872. (Ohio Laws, vol. 69, page 19.) entitled "An act supplementary to an act authorizing the county commissioners to lay out and establish free turnpike roads, and to repeal certain acts, passed April 15, 1867, passed February 27, 1872. (Ohio Laws, vol. 66, page 19.) Provided, that the provisions of the aforesaid act or parts of acts shall in no wise affect any liabilities or any rights accruing under them.

SEC. 33. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To amend an act entitled an act to authorize township clerks to administer oaths and take and certify affidavits in certain cases, passed March 11, 1872.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That township clerks in this state shall have power to administer any oath or affirmation required in the execution, verification or renewal of chattel mortgages, and to administer any oath or affirmation which may be necessary in or pertain to the business of their offices respectively, or which may be necessary in any official business of or with the township trustees, or board of education of their respective townships.

Township clerks may administer oaths in certain cases.

SEC. 2. That the act above named, passed March 11, 1872, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 25, 1875.

AN ACT

Supplementary to an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852, (S. & C., 271,) and the act supplementary thereto, passed April 15, 1867, (S. & S., 186,) and the act amendatory thereto, passed March 7, 1872. (69, 20.)

Associations
for parks,
rinks, etc.,
may increase
capital stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any company or association heretofore or that may hereafter be incorporated under the laws of this state for the purpose of constructing a park, pond or rink, or a public hall of any kind, to be used for skating and other lawful sports, or for holding fairs, festivals, public meetings, concerts, or entertainments of any kind not prohibited by law, may increase its capital stock.

Stockholders.

SEC. 2. The directors of any company or association mentioned in the first section of this act, shall call a meeting of the stockholders for that purpose, by giving at least thirty days' previous notice of such meeting in some newspaper of general circulation in the county in which said company or association is located, or by giving notice personally or by mail to each stockholder.

Proceedings
on affirmative
vote.

SEC. 3. Upon the vote of the stockholders owning a majority of the stock of any such company or association in favor of such increase of its capital stock, the directors, or a majority of them, shall make a certificate thereof, verified by the oaths of the parties making the same, stating that the whole amount of such proposed increased capital stock has been subscribed for in good faith by responsible persons, and that ten per cent. of the whole amount of such increase has been paid to said company in money, and said certificate shall be forwarded to the secretary of state, who shall dispose of the same in the manner provided for the original certificate of said company, and when so disposed of, the said corporation is hereby authorized to collect said subscriptions to said increased capital stock, and issue stock therefor as soon as the same is fully paid.

Individual
liability.

SEC. 4. That the stockholders of any company mentioned in the first section of this act increasing its capital stock under the same, shall be individually liable for all debts of such company or association to an amount over and above the stock by him or her owned in such company or association, and any unpaid installments thereon to a further sum equal in amount to such stock.

SEC. 5. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 25, 1875.

AN ACT

To facilitate the administration of Justice in Cuyahoga County.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be elected on the second Tuesday of October, A.D., 1875, by the qualified voters of Cuyahoga county, four additional judges of the court of common pleas, for the fourth judicial district, who shall reside in said county and whose term of office shall commence on the first Monday of November next following their election, and continue for five years, and such additional judges shall again be elected at the annual election in October, A.D., 1880, and every five years thereafter for the same term of office, commencing on the first Monday of November next after their election, and said election shall be conducted and returns thereof made in the same manner as is provided by law for the election and return of state and county officers. Said judges shall exercise the same powers and jurisdiction, and perform the same duties as other judges of the court of common pleas; and any vacancy that may occur in the office of any such additional judges by death resignation or otherwise, before the expiration of his term of office shall be filled by appointment of the governor, until a successor is elected and qualified; and such successor shall be elected for the unexpired term at the next regular election of state and county officers that occurs more than thirty days after the vacancy shall have happened.

Four additional judges of common pleas to be elected in Cuyahoga county.

Their powers, jurisdiction, etc.

SEC. 2 That an act entitled "An act to establish a superior court for the city of Cleveland, and to repeal an act therein named," passed May 5, 1873, be and the same is hereby repealed.

Superior court abolished.

SEC. 3. That all unfinished business pending in said superior court at the expiration of its regular term, at the time this act takes effect, with all the records, journals, dockets, files, process and papers of every description pertaining to either the finished or unfinished business of said superior court at its regular term shall be immediately transferred to the court of common pleas of Cuyahoga county, and shall have the same force and effect therein, and in law, as they had in said superior court, and would have had if this act had not been passed; and all orders, writs and process, of any kind, issued therein from said superior court then outstanding shall be fully executed and returned to and filed in said court of common pleas, and have the same validity and effect therein as they would have had in said superior court; that all master commissioners, special masters, receivers and referees, appointed by said superior court, having in their hands any unfinished business of said superior court, shall execute and perform the same under the direction and control of said court of common pleas, and to which last named court the reports made by them shall be returned; that all orders of said superior court, allowing injunctions, shall continue and

Business, records, etc., of superior court to be transferred, etc.

Master commissioners, etc., to act under new court.

Unfinished
business.

remain in force, subject to the orders of said court of common pleas the same as if originally allowed in said court of common pleas. And all unfinished business pending in said superior court, as of its general term, at the time this act takes effect, with all the records journals, dockets, files, process and papers of every description, pertaining to either finished or unfinished business of said general term, shall be immediately transferred to the district court of said county, and after such transfer is made to said court of common pleas and district court respectively, said business shall be proceeded with, disposed of, carried into effect, and all things to be done therein shall be done, and judgments rendered at said general term be vacated, reversed and modified, and subsequent proceedings therein, if any be had, as if all of said business had been originally commenced, and the proceedings therein be had in said court of common pleas, except that no judgment rendered in said superior court, or in the district court, in cases taken in error or by appeal from judgments or decrees rendered at said general term, shall have a line of greater territorial extent than it would have had if this act had not been passed; but all judgments rendered in said court of common pleas in cases transferred from said superior court shall have the same lien and effect as if said cases had been originally commenced in said court of common pleas.

Judgment,
liens, etc.

Five terms of
court of com-
mon pleas.

SEC. 4. The said court of common pleas shall hold five terms in each year, which shall commence on the first Monday of January, March, May, September and November; and the judges thereof shall have full power to classify and arrange the business therein, and to assign to each of the judges such portion of the business therein as may be thought proper, and which business of said court may be disposed of by all or any number of the judges sitting together, or each sitting separately; and the judges of said court may make such rules and regulations for the government of the officers of said court as may be proper for the efficient transaction of the business of said court.

Adjourn-
ment of trials
to a day cer-
tain.

SEC. 5. That whenever a jury shall have been empaneled for the trial of any case, or whenever any case shall be on trial in the said common pleas court, and it shall be deemed proper, in the discretion of the court, by reason of the approaching termination of any term of said court, to continue and adjourn such trial to the next succeeding term, it shall be lawful for the court to order and direct that the trial be adjourned to a day certain, on which day the case shall proceed and be disposed of as if the trial had commenced at such succeeding term.

Additional
salary from
county treas-
ury.

SEC. 6. That the judges of said court of common pleas, residing in said Cuyahoga county, hereafter elected or appointed, shall, in addition to the salary now paid judges of the court of common pleas out of the state treasury, receive out of the treasury of Cuyahoga county the sum of two thousand dollars annually, to be paid to them at the same time and in like manner, as provided by law for the payment of the sala-

ries of judges out of the state treasury; and to provide for such payment of said salaries out of the treasury of said county, the commissioners of said county shall have full power to levy a tax each year on the grand duplicate of the county.

SEC. 7. That there shall be two terms of the district court of said county held in each year.

SEC. 8. The repeal of said act, establishing said superior court, shall not affect the salary of any judge of said court of common pleas.

SEC. 9. This act shall take effect on the first day of July, A.D. 1875.

Two terms of district court. Salary of common pleas judges not affected.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 25, 1875.

AN ACT

To amend section one hundred and ninety-nine of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, as amended April 18, 1870; (O. L., Vol. 66, page 180, Sec. 199; O. L., Vol. 67, page 68.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one hundred and ninety-nine of an act to provide for the organization and government of municipal corporations, passed May 7, 1869, as amended April 18, 1870, be and the same is hereby amended so as to read as follows:

Section 199. All cities and incorporated villages shall have the general powers hereinafter mentioned, and may provide by ordinance for the exercise of the same.

General powers of incorporated villages.

1. To prevent riots, gambling, noise and disturbance, indecent or disorderly conduct, or assemblages, preserve peace and good order, and to protect the property of the municipal corporation and its inhabitants.

As to riots, &c.

2. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated.

Nuisances.

3. To suppress billiard-tables, nine or ten-pin alleys, or tables and ball-alleys, and to authorize the destruction of all instruments or device used for the purpose of gaming.

Billiard tables.

4. To suppress and restrain disorderly houses and houses of ill-fame and provide for the punishment of all lewd and lascivious behavior in the streets and other public places.

Disorderly houses.

5. To regulate ale, beer and porter houses or shops.

Beer shops, &c.

6. To regulate taverns or other houses for public entertainment.

Taverns.

- Theaters, &c.** 7. To regulate, restrain and prohibit all theatrical exhibition and public shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; but lectures on history, literary or scientific subjects shall not come within the provisions of this section.
- Sale of animals at auction.** 8. To regulate or prohibit the sale of live domestic animals at public auction in the streets, alleys, highways, or any public ground within the corporation.
- Auctioneering.** 9. To regulate, license or prohibit the auctioneering of goods, wares, and merchandise imported into the corporation for the purpose of being sold at auction.
- Use of carts, drays, &c.** 10. To regulate the use of all carts, drays, wagons, hackney coaches, omnibuses, and every description of carriages, which may be kept for hire, and all livery stables.
- Running at large of cattle, &c.** 11. To regulate and restrain the running at large, within the corporation, of cattle, horses, swine, sheep, goats, geese and other animals, and to impound and hold the same; and, on notice to the owners, to authorize the sale of the same, or any portion thereof, for the penalty imposed by any ordinance, and the costs and expenses of the proceeding.
- Dogs.** 12. To prevent the running at large of dogs, and provide against the injuries and annoyances therefrom, and to authorize the destruction of the same when running at large, contrary to the provisions of any ordinance to that effect.
- Fast driving.** 13. To prevent and punish fast driving or riding of animals, or fast driving or propelling of vehicles through or in the public highways.
- Gunpowder.** 14. To regulate the transportation and keeping of gunpowder and other combustibles and explosives, and to provide or license magazines for the same.
- Transportation through streets.** 15. To regulate the transportation of articles through the streets, and prevent injuries to the streets from overloaded vehicles.
- Hay, wood, coal, etc.** 16. To regulate the weighing and measuring of hay, wood, coal, and all other articles exposed for sale.
- Fire.** 17. To guard against injuries by fire.
- Streets, alleys, &c.** 18. To provide for the laying down of gas-pipes; to lay off, establish, open, widen, straighten, extend, improve, keep in order and repair, and to light streets, alleys, public grounds and buildings, wharves, landing places, bridges, and market spaces within the corporation, including any portion of any turnpike or plank-road therein, surrendered to or condemned by the corporation.
- Canals, etc.** 19. To construct, open, enlarge, excavate, improve, deepen, straighten, or extend any canal, ship canal or water-course, located in whole or in part, within the corporation.
- Cleaning streets, etc.** 20. To regulate the cleaning and sprinkling of streets, alleys, and public grounds.
- Sewers, etc.** 21. To open, construct, keep in order and repair, sewers, drains and ditches.
- Water-closets.** 22. To establish, repair and regulate water-closets and privies.
- Hospitals, etc.** 23. To erect, establish, regulate and repair pest-houses and hospitals.

24. To establish a board of health, and to invest it with such powers, and impose upon it such duties, as may be necessary to secure the inhabitants from the evils of contagions, malignant and infectious diseases. Board of health.
25. To build jails or other places of confinement, and to regulate the same. Jails, etc.
26. To erect market-houses, and to regulate and establish markets. Markets.
27. To regulate the erection of buildings and other structures within the corporate limits. Buildings.
28. To provide public cemeteries, and for the improvement and protection thereof, and to regulate the burial of the dead. Cemeteries.
29. To organize and maintain a police department. Police.
30. To organize and maintain a fire department, erect necessary buildings therefor, and to purchase and hold all necessary hose, engines, carts, ladders, carriages, tools and implements therefor. Fire department.
31. To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water pipes, reservoirs and water-works, and for the protection thereof; to prevent unnecessary waste of water and the pollution thereof. Water-works.
32. To hold and improve public grounds and parks, and to provide for the protection and preservation of the same. Parks.
33. To appropriate private property for the use of the corporation. Appropriation of private property.
34. To acquire, by purchase or otherwise, and hold real estate or any interest therein, and other property, for the use of the corporation, and to sell or lease the same. Real estate.
35. To erect and maintain buildings for public schools. School buildings.
36. To erect and maintain public halls. Public halls.
37. To establish and maintain free public libraries and reading rooms; to purchase books, papers, maps and manuscripts therefor, and to receive donations and bequests of money or property for the same, in trust or otherwise. The council may appoint such trustees or officers, and confer upon them such authority, as may be necessary to render any literary or reading-rooms so established of public utility. They may also pass necessary by-laws and regulations for the protection and government of the same. Free libraries.
38. To license and regulate ferries within the corporate limits. Ferries.
- SEC. 2. That original section one hundred and ninety-nine, as amended April 18, 1870, be and the same is hereby repealed. Repeal.
- SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

Supplementary to an act entitled an act to authorize the excavation of a channel and removal of obstructions in slack-water at the Providence feeder dam on the northern division of the Miami and Erie Canal.

Office of commissioners abolished.

Their duties transferred to board of public works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the offices of the three commissioners provided for in said act are hereby abolished, and it is hereby made the duty of said commissioners to deliver to the board of public works, on request of either member of the board of public works, all the books, papers, contracts and records in any way appertaining to the business of said commissioners under said act to which this is supplementary; and it is hereby made the duty of the board of public works to take charge of and cause the work contemplated in said act, to be completed in accordance with the terms of contracts heretofore executed for that purpose and in compliance with the provisions of said act.

SEC. 2. This act shall be in force and take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 27, 1875.

AN ACT

To amend an act entitled "An act to enable the Common Council of any city or incorporated village in this State having a population of twenty-five hundred inhabitants or more, through which any of the Canals of this State may run, or for the Board of county commissioners of the county in which such city or incorporated village may be situate, to construct and maintain for public use a Swing Bridge, or Self-closing Bridge, on any highway where the same crosses such canal withing the territory of said city or incorporated village," passed April 16, 1874, (O. L., Vol. 71, p. 84.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above entitled act be so amended as to read as follows:

Construction of swing bridge over a canal in city or village.

Section 1. That in all cases where it shall be deemed necessary to construct a bridge upon any street, road, or public highway across any of the canals in this state, in any city or incorporated village having by the last preceding federal census a population of twenty-five hundred inhabitants or more, it shall be lawful for the council of such city or incorporated village, or for the board of county commissioners of

the county in which such city or incorporated village may be situate, and having lawful authority to construct or erect a bridge on such road, street or public highway, where the same crosses such canal, to construct, erect, maintain and keep up for public use a swing bridge, or self-closing bridge, upon such street, road or public highway at such place: Provided, however, that no such bridge shall be so constructed or erected without first obtaining, for the model and location thereof, the consent in writing of the board of public works.

SEC. 2. That the above recited act be and the same is hereby repealed, and this act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To amend section two of an act entitled "An act to authorize the election of an additional judge of the court of common pleas in the second sub-division of the fourth judicial district of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above entitled act be and the same is hereby amended so as to read as follows:

Section 2. That the term of office of such additional judge shall begin on the first Monday in May, 1871, and he shall qualify in the same manner, hold for the same term of years, be elected with the same powers, jurisdiction, and be liable to the same penalties as are now or may hereafter be conferred and enjoined by the constitution and laws of the state of Ohio, upon other judges of said court, and which additional judge shall again be elected at the annual election in October, 1875, and every five years thereafter, in the same manner and for the same term of years, and to be governed in all respects, as is provided in this act, as applying to such additional judge during the first term; Provided, the term of such additional judge shall commence on the first Monday of May next after his election in October.

Term of
judge of sec-
ond sub-divi-
sion fourth
district.

SEC. 2. That original section two be and is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To amend an act supplementary to an act entitled "An act to prevent nuisances," passed February 28, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above recited act be amended so as to read as follows :

Punishment
for nuis-
ances con-
nected with
distilleries.

Section 1. That if any owner or owners, lessee or lessees, occupier or occupiers, foreman or superintendent of any distillery in this state, or any person upon whose lands any such distillery is in whole or in part situated, who keeps or suffers to be kept hogs or other animals, who shall suffer or permit such distillery, or the place or places where such hogs or other animals shall be kept to remain unclean, or shall place or permit to be placed any offal or filth from such pens, or places where such animals are kept in any creek, pond, river or other place to the annoyance of the citizens of this state or any of them, every person so offending, shall forfeit and pay for every such offense a sum not less than ten dollars nor more than one hundred dollars, together with costs of suit, and if said nuisance be not removed and abated within five days after conviction, the continuance of such nuisance shall be deemed a second offense against the provisions of this act ; and every like neglect of each succeeding period of five days, shall be considered an additional offense against the provisions of this act.

Prosecutions
therefor.

SEC. 2. That all offenses against the provisions of this act shall be prosecuted by action before a justice of the peace of the township wherein such nuisance may be situate, in the name and for the use of such townships, and all forfeitures, and penalties accruing under this act shall be paid into the treasury of the proper township for the use of the poor thereof.

SEC. 3. That the act passed April 10, 1856, entitled "An act supplementary to an act entitled an act to prevent nuisances," be and the same is hereby repealed.

SEC. 4. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To protect roads and railways.

Roads to be
kept clean of
weeds,
briers, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it is hereby made the duty of the supervisors of road districts in this state to cut down, or cause to be cut down all weeds and burrs, and to cut down or cause to

be cut down and destroyed upon county or township roads, all bushes and briers growing within the public highways; said cutting to be done within the months of July and August of each year, and the superintendent of any turnpike road upon which toll is demanded for traveling the same, shall cut down or cause to be cut down all weeds, burrs, bushes and briers, and if any superintendent shall refuse or neglect to cut down or destroy such weeds, burrs, bushes, [bushes] and briers before the first day of September in each year it shall be the duty of the trustees of the township through which the road passes to cause the same to be done, and the trustees shall have a right of action against the turnpike company for the amount paid for the same together with one hundred per cent. penalty to be recorded [recovered] in action of debt before any justice of the peace of said township.

Penalty for refusal or neglect.

SEC. 2. This act shall take effect and be in force from and after the first day of July next.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To amend an act entitled "An act to amend section five (5) of an act entitled an act making provisions for the incorporation of Cemetery Associations," passed February 24, 1848, and passed March 12, 1873.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five of the above recited act be amended to read as follows:

Section 5. That such association shall be authorized to purchase, to take by gift or choice, or to appropriate and to hold, not exceeding one hundred acres, which said land shall be exempt from execution, from taxation, and from being appropriated to any other public purpose, if used exclusively for burial purposes, and in no wise with a view to profit; Provided, if it be necessary to acquire said one hundred acres or any part thereof, by appropriation such proceedings to so appropriate shall be governed in all respects by the provisions of an act entitled "An act prescribing the mode of assessment and collection of compensation to the owners of private property appropriated by and to the use of corporations," passed April 23, 1872. But no land shall be appropriated under this provision until the court shall be satisfied that suitable premises cannot be obtained by contract upon reasonable terms, and no land shall be appropriated upon which there may be any dwelling-house, barn, stable or other farm building, or upon which there shall be any

Purchase, appropriation, etc., of cemetery lands.

Application
of receipts
and incomes.

Rules and
regulations.

orchard or nursery, or any valuable mineral or other medical spring; or any well actually yielding oil or salt water; nor shall any land be appropriated within two hundred yards of any dwelling-house, unless the owner or owners of such dwelling-house shall give his, her, or their consent. After paying for such land, all future receipts and incomes of such association, whether from sale of lots, from donations or otherwise, shall be applied exclusively to laying out, preserving, protecting and embellishing the cemetery and the avenues leading thereto, and to the erection of such buildings as may be necessary for the cemetery purposes, and to paying the necessary expenses of the cemetery association; no debts shall be contracted in anticipation of future receipts, except for original purchasing, laying out, inclosing and embellishing the ground and avenues, for which a debt or debts may be contracted not exceeding ten thousand dollars in the whole to be paid out of future receipts; and such association shall have power to adopt such rules and regulations as they shall deem expedient for disposing of and for conveying burial lots; Provided, however, that any person not already the owner of a lot in said cemetery shall have the right to purchase any lot not before sold by said cemetery association, and to have such lot conveyed to such purchaser by said association upon tender of the usual price affixed upon said lot by said association.

SEC. 2. That said section five be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To amend section ninety-nine of an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873. (O. L., vol. 70, p. 223.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section ninety-nine of the above entitled act be so amended as to read as follows:

Validity and
term of certi-
ficates.

Section 99. Said board, or a majority of them, may grant certificates, which shall be valid only in the city school districts in which they are granted, "for one, two or three years, except in cities in the first class in which they shall be granted" for two, five or ten years.

SEC. 2. That section ninety-nine of the above entitled act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

Making Appropriations for the fiscal year 1875, and the first quarter of the fiscal year 1876.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to the appropriations made for the year 1875, there be and is hereby appropriated for the year 1875, and the first quarter of the year 1876, out of any moneys in the treasury belonging to the general revenue fund, not otherwise appropriated the following sums to wit:

GENERAL REVENUE FUND.

For State Board of Agriculture:

Encouragement of agriculture, three thousand dollars.

For board of
agriculture.

Contingent expenses, five hundred dollars, to be paid upon vouchers filed in the office of the auditor of state, and be approved by the auditor.

For horticultural society, to be paid to the president thereof, five hundred dollars.

Horticultural
society.

For Adjutant General's Office:

Salary adjutant general, two thousand dollars.

Salary assistant adjutant general, fifteen hundred dollars.

Adjutant
general's
office.

Salary for one clerk, fifteen hundred dollars.

Labor at state arsenal, fifteen hundred and fifty dollars, five hundred dollars of which shall be expended only in labor in taking care of and preserving arms that may be awarded and sent to the state by the general government under section three of an act of congress making appropriations for the support of the army for the fiscal year ending June 30, 1876, approved March 3, 1875.

For the Cleveland light artillery, expended for horse hire in accordance with the provisions of the act of the general assembly, passed April 18, 1874, four hundred and eighty dollars.

To pay the expenses of the Ohio independent militia, while under orders during the troubles at Nelsonville on the 11th and 12th of June, five hundred and forty-two dollars.

Veteran volunteers.	Veteran Volunteers : To pay veteran volunteers under the act of May 16, 1868, nineteen hundred dollars.
Governor's office.	For Governor's Office : Contingent expenses, thirteen hundred dollars. Salary of executive clerk, fifteen hundred dollars.
Auditor of state.	For Auditor of State : Salaries of clerks, eleven thousand nine hundred dollars. Contingent expenses, two thousand four hundred dollars.
Treasurer of state.	For Treasurer's Office : Salaries of clerks, five thousand two hundred dollars. Contingent expenses, nine hundred and fifty dollars.
Secretary of state.	For Secretary of State's Office : For stationery, thirty-five thousand dollars. Distribution of the laws and journals, including those of 1874, two thousand four hundred dollars. For deficiency in stationery account contracted in January, 1875, four thousand three hundred and eighteen dollars and seventy-one cents. Contingent expenses, twelve hundred dollars. Clerks' salaries, eight thousand four hundred dollars. Carpet for office, one hundred and eighty dollars. Shelving and cases for office, two hundred and fifty dollars. To Robert Clark & Co., eight hundred and seventy-five dollars for three hundred and fifty copies of the 24th volume Ohio State Reports.
Comptroller and superintendent of state house.	For the office of Comptroller and Superintendent State House : Care of state house and grounds, two thousand dollars. Wages of employes, six thousand dollars. Heating apparatus and repairs, one thousand dollars. Fuel, two thousand five hundred dollars. Gas for lamps on gate-posts, three hundred and seventy-five dollars. Re-graveling old walks, five hundred dollars. Contingent expenses, five hundred dollars. Salaries of clerks, three thousand four hundred dollars. Fire-place in governor's room, one hundred and twenty-five dollars. To pay policeman for state house, seven hundred and thirty dollars. To pay balance of post-offices of Senate and House, and balance on chair for the president of the Senate, one hundred and sixty dollars. To pay bill of Benbow & Herman, for glazing and finishing cases for geological specimens in 1872, fifty-nine dollars and thirty cents.
Clerk of supreme court.	For Clerk of the Supreme Court : Assistant clerk, twelve hundred dollars. Contingent expenses, two hundred dollars. Reporter of supreme court, one thousand dollars. File boxes and table, one hundred dollars. Desk in office, seventy-five dollars. Carpet in office, one hundred dollars.

For Commissioner of State Common Schools :

School commissioner.

Clerk hire, two thousand eight hundred dollars.

Deficiency in clerk hire to February 15, 1875, ninety-nine dollars and thirteen cents.

Contingent expenses, six hundred and seventy-five dollars.

Deficiency in contingent fund to February 15, 1875, five dollars and seventy cents.

For postage, including distribution of school laws, one hundred dollars.

Traveling expenses, six hundred dollars.

For Commissioner of Railroads and Telegraphs :

Railroad commissioner.

Clerk hire, one thousand five hundred dollars.

Contingent expenses, three hundred and fifty dollars.

Extra clerical services, including copying, reading proof, etc., of commissioner's report, for 1874, five hundred dollars.

For employing an expert or experts to examine railroad bridges, to be paid on the orders indorsed by said commissioner, three hundred dollars.

For Attorney General :

Attorney general.

Salary of clerk, six hundred dollars.

Contingent expenses, two hundred and fifty dollars.

For expenses in securing depositions and other evidence to be used on behalf of the state in civil actions to which the state is a party, two hundred dollars.

For payment of referees' fees allowed by the court and of reasonable attorneys' fees to counsel for the State to be allowed by the governor, attorney general and auditor of state, in cases pending in the superior court of Cincinnati, for the recovery of back taxes, wherein the state of Ohio is plaintiff and the commissioners of Hamilton county are defendants, four thousand five hundred dollars. And said commissioners on the rendition of any final judgment against them, in either of such cases are hereby authorized and directed to cause the same to be paid out of the county treasury of said county from any moneys not otherwise appropriated.

For Supreme Court :

Supreme court.

Contingent expenses, three hundred dollars.

For State Library :

State library.

Salary of assistant librarian, one thousand dollars.

Contingent expenses, five hundred dollars.

Books, magazines and papers, one thousand dollars.

To continue work on the catalogue, one thousand dollars.

For improving the ceiling and roof-lights, and regulating the State Library in addition to former appropriations, eleven hundred and thirty-eight dollars.

For Law Library :

Law library.

Purchase of books, one thousand dollars.

Assistant law librarian and messenger of the supreme court, one thousand dollars.

For Supervisor of State Printing :

Supervisor of printing.

State printing, twenty thousand dollars.

State binding, twenty-two thousand five hundred dollars.

Printing department of the deaf and dumb asylum, one thousand five hundred dollars.

Binding debates of the late constitutional convention, three thousand two hundred and twenty-three dollars.

Contingent expenses, one hundred and fifty dollars.

Insurance
department.

For State Insurance Department :

Salaries of clerk, four thousand five hundred dollars.

Contingent expenses, one thousand one hundred and sixteen dollars.

General as-
sembly.

For the Legislature:

Per diem and mileage of the members of the general assembly, and per diem of the clerks, assistant clerks, sergeant-at-arms, and assistant sergeant-at-arms, under the laws and resolutions of the senate and house, fifty thousand dollars.

Contingent expenses of the general assembly upon vouchers certified by the chairman of the committee on claims, and approved by the presiding officers of the respective houses, fifteen hundred dollars.

For contingent expenses of the clerk of the senate after the adjournment of the Legislature, fifty dollars; and for contingent expenses of the clerk of the house after the adjournment of the Legislature, fifty dollars.

Mine inspec-
tor.

For the State Mine Inspector:

Salary, two thousand dollars.

To pay W. J. Morgan & Co., for engraving two maps of underground work for state mine inspector, seventy-five dollars.

For additional work on two maps, five dollars.

For printing 2,000 copies of each, sixty dollars.

For 4,000 sheets large bond paper, seventy dollars.

To pay bill of William Riches, for drawing and engraving two illustrations of coal mining, fifty dollars.

Contingent expenses, five hundred dollars.

For mileage of county treasurers, three thousand five hundred dollars.

For night watch at the state treasury, eight hundred dollars.

Centennial
managers.

For Centennial Managers:

To pay the expenses of the board of centennial managers, to be paid on warrants drawn by the president of the board under resolution thereof on the treasurer, attested by him, and approved by the governor, and the auditor of state is hereby directed to draw his warrant on the state treasurer for the payment of the same on orders so drawn, attested and approved, seven thousand five hundred dollars; and said board shall make no expenditure and contract no obligation in excess of the amount appropriated or its use.

Board of
public
works.

For State Board of Public Works:

Salaries of members, two thousand four hundred dollars.

Salaries of resident engineers, three thousand six hundred dollars.

Salary of clerk, one thousand five hundred dollars.

Attorney's fees and incidental expenses, six hundred dollars.

There is hereby appropriated for the superintendence and repairs on the national road, for one year from the 15th day of February, 1875, whatever funds may be collected and paid into the state treasury to the credit of the national road fund during the period of one year, together with the unexpended collections of the previous year if any there be applicable to the same purpose.

To pay Euos Hawkins, one hundred dollars for damages allowed him by appraisers under the canal laws, to his lands by breach in canal in 1853, and which remains unpaid.

To pay David Bowker, Elizabeth Kicher and Emeline Bundy, as compensation for damages, to the lands and crops of said parties resulting from the overflow at the Middletown dam, six thousand five hundred dollars, said sum to be received by said parties in full satisfaction of their claims for damages to be divided among them in such proportion as they may agree on.

There is hereby appropriated for the superintendence and repairs of the Western Reserve and Maumee road, whatever sums may be collected and paid into the state treasury to the credit of said road, between the 15th day of November, 1874, and the 15th day of February, 1876.

For salaries of State Officers:

Governor, lieutenant-governor, auditor of state, treasurer of state, secretary of state, comptroller of the treasury, state commissioner of common schools, superintendent of insurance, attorney general, clerk of the supreme court, private secretary of the governor, commissioner of railroads and telegraphs, state librarian, law librarian, and supervisor of public printing and binding, thirty thousand one hundred dollars.

State
officers.

For the Judiciary:

Salary of supreme judges, superior judges and common pleas judges, one hundred and sixty-three thousand dollars.
For office of State Gas Commissioner:

Salary of the commissioner, to be paid from amount collected from gas companies, in pursuance of law, three thousand dollars.

Gas commis-
sioner.

Apparatus, to be paid from amount collected from gas companies, in pursuance of law, two hundred and fifty dollars.

To pay deficiency in the per diem and mileage of the members, officers and messengers of the constitutional convention, and to pay balance of contingent expenses two thousand dollars, and to pay the balance for indexing the debates of the constitutional convention, two thousand two hundred and fifty dollars, to be paid on the order of the presiding officer of the convention, in accordance with the provisions of law providing for the compensation of said members, officers and messengers, existing when the said members, officers and messengers entered on the discharge of their duties.

Constitu-
tional con-
vention.

To pay Robinson, Savage & Co., deficiency in printing account of the constitutional debates, eighty dollars and thirty cents.

For publishing the governor's proclamation, making known officially the result of the election on the proposed new constitution of 1874, as provided in said instrument, twenty-nine dollars and fifty cents.

Geological
survey.

For preparing report of geological survey for publication to be done under the direction of J. S. Newberry, late chief geologist of the state of Ohio, seven thousand dollars; for printing, binding and publishing the third volume of geology of the geological survey of Ohio, fifteen thousand dollars; to be expended under the direction of the supervisor of printing and secretary of state; and the secretary of state is hereby authorized to purchase a sufficient supply of super royal paper, to provide fly leaves for said volume third of said report to be paid for out of this appropriation and no part of the appropriations or of any former appropriations remaining unexpended shall be drawn from the treasury, except upon vouchers approved by the governor and attorney general of the state.

Ohio univer-
sity.

To pay the amount found due under the requirements of the act to refund to the Ohio University certain funds in the state treasury, and to provide for the future payment of the claims of said university, passed March 25, 1875, a sum to be ascertained under the provisions of said act.

ASYLUM FUND.

Asylum fund.

SEC. 2. That there be and is hereby appropriated out of any money in the treasury to the credit of the asylum fund, and not otherwise appropriated, the following sums, to wit: For the Southeastern Hospital for the Insane:

Southeastern
hospital for
insane

Provisions and necessary current expenses, one hundred thousand dollars.

Salaries of officers, three thousand six hundred dollars.

Books and pictures, four hundred dollars.

Grading and fencing grounds, six thousand dollars.

Wire screens to protect all the basement and other windows, two thousand two hundred dollars.

Outbuildings and stables, six thousand dollars.

Ordinary repairs, two thousand dollars.

Northern
hospital for
insane.

Northern Ohio Hospital for the Insane:

Current expenses, seventy-two thousand dollars.

Ordinary repairs, five thousand dollars.

Furnishing front wings, fifteen thousand dollars.

Furnishing administration building and fourth story ward, twenty-two thousand dollars.

Passenger elevator in female wing, four thousand dollars.

Cleaning up the grounds, constructing fence, planting trees, laying out and constructing walks and drives, five thousand dollars.

Increase of water supply, one thousand dollars.

Officers' salaries, three thousand eight hundred dollars.

Piano for convalescent ward, four hundred dollars.

Books, periodicals and pictures, four hundred dollars.

To complete the work on the front wings and administration building, now under contract, seventy-five thousand dollars.

And the board are hereby required to proceed immediately to construct in a manner provided by law for other structures, for the immediate erection and completion of gas works for said asylum to be paid for out of the appropriation heretofore made for that purpose, and to manufacture therein the entire supply of gas for the use of said asylum.

Western Ohio Hospital for the Insane:

Current expenses, seventy-seven thousand dollars.

Salaries of officers, three thousand eight hundred dollars.

Books and pictures, four hundred dollars.

Two new boilers, and repairing water tanks, three thousand dollars.

Building and fitting up a green house, two thousand dollars.

To procure right of way and construct sewer to river, seven thousand five hundred dollars.

For Central Ohio Hospital for the Insane:

To continue the work on the central Ohio hospital building for the insane, in addition to the unexpended balances of former appropriations, three hundred and twenty-five thousand dollars.

And the commissioners, under the act passed March 31, 1874, shall have power, so far as is consistent with the rights of the contractors under the constitution of the state and the United States, with the written advice and consent of the governor and attorney general, in case of the failure of any contractor to perform his contract, to cancel the same and forfeit all arrearages thereon, and to make new contracts for the work and material, or either of them required by said contract so canceled, not exceeding the price fixed by the contract canceled and the arrearages thereon.

Salaries of commissioners of the central Ohio hospital for the insane, three thousand dollars.

For the Longview Asylum:

A sum to be computed and ascertained by the auditor of state, which sum shall bear the same proportion to the appropriations for the other hospitals for the insane of the state as the population of Hamilton county bears to the population of the state, exclusive of Hamilton county, as ascertained by the federal census of 1870.

Support of colored insane, in accordance with the terms of agreement with the state, six thousand dollars.

For Lucas County Insane Asylum:

To support patients under the contract made in pursuance of a joint resolution passed April 27, 1872, twenty-five thousand dollars.

Removing patients to Newburgh, forty-nine dollars.

Removing patients to Athens, one hundred and fourteen dollars and twenty cents.

Western hospital for insane.

Central hospital for insane.

Longview asylum.

Lucas county insane asylum.

Deaf and dumb asylum.	<p>For Deaf and Dumb Asylum:</p> <p>Current expenses, fifty eight thousand dollars.</p> <p>Salaries of officers and teachers, twenty thousand dollars.</p> <p>Ordinary repairs, five thousand dollars.</p>
Blind asylum.	<p>For Blind Asylum:</p> <p>Provisions and necessary current expenses, thirty-two thousand dollars.</p> <p>Salaries of officers and teachers, nine thousand dollars.</p> <p>For making sidewalks and gutters on Friend street and Parsons avenue, two thousand dollars.</p> <p>Furniture, two thousand dollars.</p> <p>Improving grounds, two thousand dollars.</p> <p>Coal-house and additional boiler-room, six thousand dollars.</p> <p>Additional boiler and heating apparatus, four thousand dollars.</p> <p>Additional sewerage, three thousand five hundred dollars.</p> <p>For a large bell, and to provide wooden doors in the passageways leading into the chapel and dining-room, two hundred and eighty five dollars.</p>
Asylum for imbecile youth.	<p>For Asylum Imbecile Youth:</p> <p>Provisions and necessary current expenses, fifty-three thousand two hundred and fifty dollars.</p> <p>Salaries of officers and teachers, nine thousand one hundred dollars.</p>
S. & S. orphans' home.	<p>Ordinary repairs, three thousand five hundred dollars.</p> <p>An additional battery of boilers, including furnaces and connections, three thousand five hundred dollars.</p> <p>For Ohio Soldiers' and Sailors' Orphans' Home:</p> <p>Provisions and necessary current expenses, fifty-five thousand dollars.</p> <p>Salaries of officers, teachers and cottage managers, fifteen thousand dollars.</p> <p>For establishing and maintaining industrial pursuits five thousand dollars.</p> <p>For live stock, five hundred dollars.</p> <p>For seating and furnishing chapel, six hundred and thirty-eight dollars.</p> <p>For ornamental trees, grading and improving grounds, one thousand two hundred dollars.</p> <p>For sewerage, one thousand dollars.</p> <p>For library, three hundred dollars.</p> <p>For pipe, hose and fire plugs, one thousand dollars.</p> <p>For plank walk from the institution to the corporate limits of Xenia, one thousand dollars.</p> <p>Support of sailors' and soldiers' orphans outside of home at Xenia, as provided by section ten of the act to establish Ohio soldiers' and sailors' orphans' home, passed April 14, 1870, six thousand dollars.</p>
Trustees of benevolent institutions.	<p>For Trustees of the Benevolent Institutions:</p> <p>The necessary expenses of the trustees of the various benevolent institutions, nine hundred dollars.</p>
Ohio penitentiary.	<p>For the Ohio Penitentiary:</p> <p>Provisions and current expenses, sixty-five thousand six hundred dollars.</p>

Salaries of the warden and other officers and guards, sixty-three thousand dollars.

Cost of prosecution and transportation of convicts to the Ohio Penitentiary, thirty thousand dollars.

Library, one thousand dollars.

Manufacture of gas, four thousand five hundred dollars.

Rewards to convicts, including over-work, six thousand five hundred dollars.

Finishing new chapel, one thousand dollars.

To put new roof on old penitentiary building, twenty thousand dollars.

For State Reform School for Boys:

Provisions and current necessary expenses, thirty-four thousand dollars. Reform school for boys.

Salaries of acting commissioner, matron and other officers and teachers, twelve thousand dollars.

For steam engine with boiler and fire-proof building for the same, to be used for manufacturing purposes, five thousand dollars.

For not less than three-inch iron pipe, and hose, and fire plugs, one thousand dollars.

Ordinary repairs, two thousand dollars.

For State Girls' Industrial Home:

Provisions and current necessary expenses, eight thousand dollars. Girls' industrial home.

Salaries of officers and teachers, three thousand seven hundred dollars.

Ordinary repairs, one thousand three hundred dollars.

Furnishing central building, two thousand dollars.

For the erection of one family building, fifteen thousand dollars, to be constructed fire-proof in accordance with laws now in force.

For grading and preparing grounds about the buildings of the home, the sum of eight hundred and thirty-six dollars and sixty-two cents, or whatever sum has been or may be realized from sale of an old engine included in the purchase of the lands of the home, to be expended under the direction of the trustees.

Addition to library, three hundred dollars.

For State Common Schools:

SEC. 3. There is hereby appropriated, from any moneys raised or accruing to the state treasury for the support of common schools, one million five hundred thousand dollars, or as much as may come in the state treasury for this purpose, to be distributed and paid in the manner provided by law. Common schools.

For State Sinking Fund:

SEC. 4. There is hereby appropriated, from any money in the treasury, by transfer or otherwise, and that may come into the treasury belonging to the sinking fund, for the payment of interest on the foreign and domestic debt of the state, four hundred and seventy-seven thousand nine hundred and fifty dollars and forty-one cents. Sinking fund.

For interest on school and ministerial and other trust funds, which constitute the irreducible debt of the state, two hundred and forty-seven thousand dollars.

For redemption of principal of the funded debt, one million four hundred and ninety-three thousand two hundred dollars.

To pay the expenses of the office of the commissioner of the sinking fund, including the salary of the clerk, two thousand dollars.

Re-transfer
of funds.

The auditor of state in compliance with the provisions of the appropriation bills, passed April 27, 1872, and May 5, 1873, providing for temporary transfers from the sinking fund to the general revenue and asylum funds, is hereby required to re-transfer on or before the first day of January, 1876, one hundred and thirty thousand dollars from the general revenue fund to the sinking fund, and re-transfer, at least, two hundred thousand dollars, from the asylum fund to the sinking fund, and whenever the re-transfers to the sinking fund can be made in full from the general revenue fund or asylum fund, or either of them, they shall be severally charged with the balances of the amounts, actually transferred to them, to wit:

General revenue with two hundred thousand dollars, and the asylum fund with one hundred and eighty thousand dollars.

Statement of
disburse-
ments to be
given in an-
nual reports.

SEC. 5. It shall be the duty of the board of trustees, and other persons having control of the different public institutions, to embrace in their several annual reports to the governor, a statement of the disbursements of the appropriations made for building and repairs, and no money herein or heretofore appropriated shall be expended for any other purpose than that specifically named in the several acts making the same. No officer shall employ a greater clerical force than can be paid from the appropriation made to their respective offices for that purpose; and no clerk shall receive compensation, to be paid directly or indirectly out of the state treasury, (except that the clerk of the commissioner of the sinking fund may serve and receive compensation as clerk for the attorney general) for services in more than one capacity or clerkship; nor shall any clerk receive a greater compensation in the aggregate for all services rendered than two thousand dollars a year. The auditor of state is especially directed to see that the foregoing provisions are observed and carried into effect.

No debt to be
contracted
for addition-
al clerical
force.

No part of
appropria-
tions to be
used for defi-
ciencies.

SEC. 6. No part of any appropriation herein made shall be used for the payment of debts or deficiencies contracted before the fifteenth day of February, 1875, unless herein provided, but this shall not apply to salaries of officers payable by the state, or compensation due to any members or officers of the general assembly. Nor shall any debt be created against the state by any officer of the state, board of trustees or other person or persons having power to contract in behalf of the state, unless expressly authorized so to do by law.

SEC. 7. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

Fixing the salaries of the several county officers therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county auditors of the several counties herein named in the State of Ohio shall hereafter receive compensation per annum as follows:

In all counties of the state having a population less than twenty thousand inhabitants by the last federal census, fourteen hundred dollars. In all counties having a population more than twenty thousand and less than twenty-five thousand inhabitants, eighteen hundred dollars. In all counties having a population more than twenty-five thousand and less than thirty thousand inhabitants, two thousand dollars. In all counties having a population more than thirty thousand and less than thirty-seven thousand inhabitants, twenty-two hundred dollars. In all counties having a population more than thirty-seven thousand and less than forty-five thousand inhabitants, three thousand dollars. In all counties having a population more than forty-five thousand and less than sixty thousand inhabitants, four thousand dollars. In all counties having a population more than sixty thousand inhabitants and less than seventy-five thousand, five thousand dollars.

Compensation allowed to county auditors, graded by population.

SEC. 2. In all the counties of the state named in this act, where the total value of all the taxable property in any year do not exceed six millions of dollars, the county treasurer of any such county shall hereafter receive an annual compensation of one thousand dollars. And in every county herein named where the total value of all the taxable property exceeds six millions of dollars in any year, the county treasurers of any such counties shall receive in addition to the one thousand dollars, one hundred dollars for each additional million dollars or fractional part thereof.

Compensation of county treasurers, according to amt of taxable property.

SEC. 3. The clerks of the court, sheriffs and probate judges in each of the several counties of the state herein named, shall hereafter receive annual compensations as follows: In all counties having a population by the last federal census less than twenty thousand inhabitants, twelve hundred dollars. In all counties having a population more than twenty thousand and less than twenty-four thousand, fifteen hundred dollars. In all counties having a population more than twenty-four thousand inhabitants and less than thirty thousand,

Compensation of clerks, according to population.

Clerks, sheriffs and probate judges, auditors and treasurers in certain counties.

eighteen hundred dollars. In all counties having a population more than thirty thousand inhabitants and less than thirty-seven thousand, two thousand dollars. In all counties having a population more than thirty-seven thousand and less than forty-five thousand inhabitants, twenty-five hundred dollars. In all counties having a population more than forty-five thousand inhabitants and less than sixty thousand, the clerks of the court shall hereafter receive an annual compensation of three thousand dollars; the sheriff, three thousand five hundred dollars; the probate judge, three thousand dollars. In all counties having a population more than sixty thousand inhabitants and less than seventy-five thousand, the clerks of the courts shall hereafter receive an annual compensation of four thousand dollars; the sheriffs, four thousand five hundred dollars; the probate judges, three thousand five hundred dollars. In all counties having a population of more than seventy-five thousand and less than two hundred thousand inhabitants, the clerks of the courts of common pleas shall hereafter receive an annual compensation of nine thousand dollars; the sheriff, nine thousand five hundred dollars; the probate judge, seven thousand five hundred dollars; the auditor, seven thousand five hundred dollars; the recorder, eight thousand dollars; the treasurers of such counties shall receive an amount equal to one hundred and twenty-five dollars for each million or fractional part thereof, of the total value of the taxable property on the list as returned for that year, and ten per cent. of the fees and costs which may be collected of the fees and costs now allowed for the collection of personal taxes. The sheriffs, clerks and probate judges in such counties last named shall receive a further compensation of not less than ten per cent. nor more than twenty per cent. as the county commissioners of such counties may determine, on all costs and fees collected by said officers, but no further allowance of percentage shall be granted, as by the terms of this bill are provided for other counties.

Further compensation to sheriffs, clerks and probate judges.

Fees to be collected and paid into county treasury.

No other salary to be allowed, except in certain cases.

Additional to clerks and sheriffs of certain counties.

SEC. 4. It shall be the duty of the several county officers named in this act to collect "such part of the fees now allowed by law as provided in section five of this act," and heretofore appropriated as pay for their services, and pay the same into the county treasury, and take duplicate receipt for the same, one copy of which shall be filed in the office of the county auditor, and shall constitute a part of the county fund, and the salaries allowed by the provisions of this act to the several county officers herein named shall be the only compensation allowed to such officers either by way of clerk hire or otherwise; provided, however, that in every county herein provided for, the clerk of the court and sheriff shall receive in addition to the salary herein provided, twenty five per cent. of all costs and fees in excess of such salary collected and paid into the treasury of their respective counties. And in all the counties of this state herein provided for where a superior court is now or may be hereafter established, the clerk of the court and the sheriff of any such county shall each re-

ceive, in addition to the salary herein provided, five hundred dollars per annum; and provided also the county auditors may receive, in addition to the salary hereinbefore provided, the compensation now allowed by law for assessing and placing upon the duplicate tax omissions; also additional compensation for any service rendered under the provisions of the improved road laws, free turnpike laws, and the laws relating to ditches, drains and water-courses, at the rate of eight cents for each hundred words, and five cents for each order drawn on the treasury, and for making out taxes on each and every description, lot, or parcel of land sought to be assessed and taxed on duplicate for such improvements; ten cents; for each and every bond drawn, registered and ledgered, twenty-five cents, and every coupon attached thereto, five cents; also additional compensation for services as member of board of appraisers and assessors of railroads, the same as is now or may be provided by law; c. outy auditors may also receive the additional compensation provided by the one hundred and twenty-fifth section of the school law, passed May 1, 1873. And in counties where the probate courts have special jurisdiction in criminal cases, the probate judges in such counties shall receive, in addition to the salaries hereinbefore named, compensation the same as they are now allowed by law for their services in such criminal cases; provided, that no part of the salary of the clerk of the court, sheriff, or probate judge shall be paid to either of said officers which, at the time payment is demanded, is in excess of the amount of money collected and actually paid into the treasury by such officers from the fees and costs which have heretofore been allowed him as pay for his services. And the compensation allowed by the provisions of this act to the several county officers herein named shall be paid by the treasurer of the county, on the order of the auditor in quarterly installments; provided, however, that before any officer named in this act shall be entitled to any such order, such officer shall have filed in the office of the county auditor of his county a written statement, verified by oath or affirmation, that he has diligently and faithfully to the best of his ability collected and paid into the treasury of his county all moneys that he is by law authorized to collect, and belonging, according to the provisions of this act, to such county; and should any officer named in this act knowingly make a false statement in his written affidavit, any such officer on conviction thereof shall be liable to all the penalties of perjury.

SEC. 5. It shall be the duty of the several officers herein named authorized to collect fees and costs to submit to the county commissioners at their regular meetings on the first Monday of June, the first Monday of September, the first Monday of December, and the first Monday of March in each year, a written statement verified by oath or affirmation, showing in full the amount of fees and costs charged, the person or persons to whom charged, the amount of fees and costs collected, and the name of the person or persons

Also to auditors for services under school law.

Also to probate judges, in certain cases.

Compensation, how paid.

Statement of fees and costs to be submitted to county commissioners.

Certain allowances to clerks, sheriffs and probate judges.

paying the same, together with the reasons why the uncollected costs have not been paid. And it is hereby made the duty of the county commissioners at their regular meetings as aforesaid, to examine thoroughly such reports, and also the records of the county officers named in this act; Provided that the clerks of the court, sheriffs, and probate judges of the various counties included within the provisions of this act, shall be allowed to charge, assess, receive and collect, of the specific items of fees, costs and percentages, now authorized by law, to be charged, assessed, received or collected by each of said officers respectively, the proportions thereof following and no more, to wit: In all the counties of the state having a population of less than twenty thousand by the last federal census, ninety-five per cent.; in all counties having a population of not less than twenty thousand, nor more than thirty-seven thousand, ninety per cent. In all counties having a population of not less than thirty-seven thousand, nor more than forty-five thousand, eighty-five per cent. In all counties having a population of not less than forty-five thousand, nor more than sixty thousand, eighty per cent. In all counties having a population of not less than sixty thousand, nor more than one hundred and fifty thousand, seventy-five per cent.

Officers now in office not to be affected by this act, etc.

SEC. 6. Nothing in this act shall be construed to apply to the officers mentioned herein who have been elected prior to the passage of this act, or to prevent sheriffs from receiving the same compensation they are now allowed by law for conveying convicts to the penitentiary, and for subsisting prisoners in the county jails. The compensation of the county treasurers for their semi-annual settlement with the state treasurers shall in no wise be affected by this act. But such treasurers shall receive for such settlements the same as is now or may be provided by law; the various county treasurers shall also receive the same compensation that they now are or may be allowed by law for the collection of delinquent taxes in addition to the salary provided by this act. And in all counties containing a city of the first class, comprised within the provisions of this act, the treasurer shall receive an additional compensation to that provided for in this act of two thousand dollars per annum, the auditor one thousand dollars per annum, the clerk of the court one thousand dollars per annum, the sheriff one thousand dollars per annum; Provided that this provision shall not apply to any county containing a population of more than one hundred thousand inhabitants by the last federal census.

Not applicable to certain counties.

Provision as to sheriffs and clerks now paid out of county treasury, etc.

SEC. 7. Nothing in this act shall be so construed as to allow the sheriffs or clerks of the court any per cent. for the collection of fees and costs which are now paid to said officers out of the county treasury, or to make the county or county commissioners of any county liable to any of the officers named herein for the payment of any salary or compensation except out of the fees, costs, percentages, allowances and penalties collected by any of these officers respectively.

SEC. 8. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To prevent Cruelty to Animals, and to provide for the organization of associations or societies for the prevention of Cruelty to Animals, and to repeal certain acts herein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall overdrive, overload, torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat, or needlessly mutilate or kill, or cause or procure to be overdriven, overloaded, tortured, tormented, or deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or needlessly mutilated or killed as aforesaid, any animal, every such offender shall, for every such offense, be deemed guilty of a misdemeanor.

Cruelty to animals a misdemeanor.

SEC. 2 Any person who shall impound, or cause to be impounded, in any pound or yard, for sale or slaughter, or shall confine in any stable, shed, or in any place whatsoever, any animal, shall supply the same during such confinement with a sufficient quantity of good wholesome food and water, and give to such animal proper attention, and in default thereof shall upon conviction, be adjudged guilty of a misdemeanor.

Neglect to supply impounded animals with good food and water, a misdemeanor.

SEC. 3. In case any animal shall be at any time impounded, yarded or confined as aforesaid, and shall continue without necessary food, water and proper attention for more than fifteen successive hours, it shall be lawful for any person, from time to time, and as often as it shall be necessary, to enter into and upon any pound, yard, stable, shed or other place whatsoever, in which any such animal shall be so impounded, yarded or confined, and to supply it with necessary food, water and attention, so long as it shall remain so, or such person may if necessary or convenient remove such animal, such person shall not be liable to any action for such entry, and the reasonable cost for such food, water and attention may be collected by him of the owner of such animal; and the said animal shall not be exempt from levy and sale upon the execution issued upon a judgment therefor.

Any person may supply neglected animals with food and water.

SEC. 4. If any person shall carry, or cause to be carried, in or upon any vehicle or otherwise, any animal in a cruel or inhuman manner, he shall be deemed guilty of a misdemeanor, and whenever he shall be taken into custody therefor by any officer, such officer may take charge of such vehi-

Carrying animals in vehicle in a cruel manner, a misdemeanor, etc.

cle and its contents, and deposit the same in some safe place of custody; and any necessary expenses which may be incurred for taking charge of, and keeping and sustaining the same, shall be a lien thereon, to be paid before the same can be lawfully recovered, and the expenses, or any part thereof remaining unpaid, may be recovered by the person incurring the same in an action therefor.

Keeping cows, etc. in an enclosure without exercise, a misdemeanor. Abandoning animals to die, a misdemeanor.

SEC. 5. Any person who shall keep cows or other animals in any inclosure without wholesome exercise and change of air, or feed the same on food that would produce impure or unwholesome milk shall be deemed guilty of a misdemeanor.

SEC. 6. If any maimed, sick, infirm or disabled animal shall be abandoned to die by any person, such person shall be guilty of a misdemeanor, and it shall be lawful for any mayor, chief of police, judge or magistrate, to appoint a suitable person to kill such animal if unfit for further use.

Aiding or abetting dog or cock-fighting, etc., a misdemeanor; penalty therefor.

SEC. 7. If any person shall be engaged in, or employed at cock-fighting, dog fighting, bear-baiting, pitting one animal against another of the same or of a different kind, or any similar cruelty to animals, or shall receive money for the admission of any person to any place kept for the said purpose, every such person shall be deemed guilty of a misdemeanor, and if proven guilty, shall be fined in a sum, not exceeding one hundred and fifty dollars nor less than five dollars, or imprisoned in the county jail or city work-house for a period not exceeding thirty days nor less than ten days, or both; and all persons who shall knowingly purchase tickets of admission to or be present at such places, or to witness such spectacle, shall be deemed aiders and abettors thereof, and deemed guilty of a misdemeanor, and if proven guilty, shall be fined in any sum not exceeding twenty dollars nor less than five dollars; and the owners of property where such spectacle is made or shown, and the lessees of said pits or places, fitted up expressly as such places or pits, or so used with the knowledge or consent of such owners or lessees shall, upon such fact being proven, be deemed guilty of a misdemeanor, and be fined in a sum not exceeding two hundred and fifty dollars nor less than fifty dollars, and shall be required to give a good and sufficient bond in the sum of five hundred dollars, forthwith to abate the same, and stand committed until such bond is given.

Unlawful to confine stock in cars, boats, etc., more than twenty-four continuous hours, etc.

SEC. 8. It shall be unlawful for any person or corporation engaged in transporting live stock on railway trains, steamboats or otherwise, to detain such stock in cars or compartments for a longer continuous period than twenty four hours, without supplying the same with necessary food, water, and attention, or to permit them to be so crowded together as to overlie, crush, wound, or kill each other. Provided said period of twenty-four hours shall date from the time the said stock may have been put into the cars, whether said stock be shipped from this state or outside its borders, any such person or the agent of such corporation, being proven guilty, shall be guilty of a misdemeanor, and shall be punished as hereinafter provided.

SEC. 9. The conviction of an agent or employe shall not bar an action for cruelty to animals against an employer for allowing a state of facts to exist which shall induce cruelty to animals on the part of such agent or employer.

Conviction of agent or employe not to bar action against employer. Keeping vicious dog a misdemeanor.

SEC. 10. If any person uses, trains or possesses a dog or other animal for the purpose of seizing, detaining or mutilating any domestic animal, such person shall be guilty of a misdemeanor.

Liability for cruelty to animals the property of another.

SEC. 11. If any person is guilty of cruelty to animals, as hereinafter set forth, and should such animal or animals be the property of another, the offender shall be liable to the owner or owners thereof in damages in addition to the penalties herein prescribed.

SEC. 12. From and after the passage of this act, it shall be lawful for any number of persons, not less than seven, in any county in this state, who shall be associated together for the purpose of preventing acts of cruelty to animals, to elect at any meeting called for that purpose any number of such persons, not less than three, to serve as directors, who shall hold their offices until their successors are duly chosen.

Associations to prevent cruelty to animals authorized.

SEC. 13. The secretary or clerk of said meeting shall make a true record of the proceedings of the same, and shall certify and deliver the said record to the recorder of the county wherein such meeting shall have been held, which record shall contain the name by which such association shall have determined to be known, whereupon it shall be the duty of such recorder forthwith to record the same in such book of record as is used for recording similar certificates relating to incorporated companies, and, from and after the making of such last named record, the said directors and associates, and their successors, shall be invested with the powers, privileges and immunities incident to incorporated companies, and a transcript of the record herein authorized to be made by the county recorder, shall be deemed and taken in all courts and places whatsoever in this state, as evidence that such an association is a duly organized and incorporated body.

Record of proceedings of associations to be kept, &c.

SEC. 14. The directors who may be appointed or chosen under the provisions of this act, and their successors in office, shall have perpetual succession by such names as may be designated, and by such name shall be legally capable of contracting and being contracted with, of prosecuting and defending suits, and of acquiring, holding, enjoying and conveying such property, real or personal, as may be acquired by purchase, donation or otherwise, for the purpose of carrying on the objects and intentions of such association.

Directors to have perpetual succession, &c.

SEC. 15. When incorporated as aforesaid, such associations may elect such officers and make such rules, regulations and by laws as by its members may be deemed necessary or expedient for their own government, and the proper management of its affairs.

May elect officers, make rules, &c.

SEC. 16. Such association shall have power to appoint agents for the purpose of prosecuting any person or persons guilty of any act or acts of cruelty to animals, within this state, which agents shall have power to make arrest of any such person or persons found violating any of the provisions of

Appointment of agents to prosecute, &c.

this act, and for the purpose of protecting or preventing any act or acts of cruelty to animals; and upon making such arrest it shall be the duty of such agent to convey the person so arrested before some court or magistrate having jurisdiction thereof, within the city or county wherein the offense was committed, and there forthwith make complaint, on oath or affirmation, of the said offense; provided, that all appointments by such associations, under this section, shall have the approval of the mayor of the city or village in which such association exists, and if such association exists outside of any city or village, the appointment shall be approved by the probate judge of the county in which said association exists, and said mayor or probate judge shall keep a record of all such appointments.

Process on complaint of violation of this act.

SEC. 17. When complaint is made, on oath or affirmation, to any magistrate or court authorized to issue warrants in criminal cases, that the complainant believes that any of the provisions of this act relating to or affecting animals are being, or are about to be violated in any particular building or place, such magistrate or court shall issue and deliver immediately, a warrant directed to any sheriff, constable, police officer or agent of such association for the prevention of cruelty to animals above described, authorizing him to enter and search such building or place, and to arrest any person or persons there present, violating, or attempting to violate, any of the provisions of this act, and to bring such person or persons before some court or magistrate of competent jurisdiction within the city, village or county within which such offense has been committed, to be dealt with according to law, and such attempt shall be held to be a violation of the provisions of this act, and any such act of cruelty to animals, or attempt thereof, shall subject any such person or persons charged therewith, if proven guilty, to penalties hereinafter provided.

Member or officer may interfere to prevent cruelty.

SEC. 18. Any officer, agent or member of such association, shall have power lawfully to interfere to prevent the perpetration of any act of cruelty to animals in his presence, and may use such force as may be necessary to prevent the same, and to that end may summon to his aid any bystanders; and any person who shall interfere with or obstruct such officer, agent or member, or shall refuse to assist said officer, agent or member under such circumstances, when called upon to do so, shall be held guilty of a misdemeanor, and shall be subject to the penalties "hereinafter" provided.

Definitions of terms used in this act.

SEC. 19. In this act, and in every law of the state relating to or in any manner affecting animals, the singular shall include the plural, the word "animal" shall be held to include every living dumb creature; the words "torture," "torment," and "cruelty," shall be held to include every act, or omission or neglect, whereby unnecessary or unjustifiable pain or suffering is caused or permitted, or allowed to continue, when there is a reasonable remedy or relief; and the words, "owner," and "person," shall be held to include corporations and individuals; and the knowledge and acts of agents of, and persons employed by corporations, in regard to animals

transported, owned or employed by or in the custody of such corporation, shall be held to be the act of such corporation.

SEC. 20. Any such association shall have power to require the sheriff of any county, the constable of any township, the marshal or policeman, or the agent of any such association of any city or village in this state, when the laws for the prevention of cruelty to animals have been violated, to take possession of any animal or animals cruelly treated, in their respective cities, villages or counties, and deliver the same to the proper officers of such association, and for such services and for all services rendered in carrying out the provisions of this act, such officers and the officers and agents of such association shall be allowed and paid such fees as they are allowed for like services in other cases, and such fees shall be charged as costs and reimbursed by such person or persons convicted, in such cases, to such associations.

Sheriffs,
marshals,
&c., required
to act; com-
pensation for
services.

SEC. 21. From and after the passage of this act, it shall be lawful for any number of persons, residents of this state, not less than seven, to associate themselves together under the name and title of the "Ohio State Society for the prevention of cruelty to animals." The certificate of such association shall be filed with the secretary of state, and such persons shall thereupon become a body corporate, with all the powers, privileges, and immunities and duties, throughout this state, which have been hereinbefore specified, as to such county associations; such state association shall have power to appoint any person, in any county in this state, where there is no such active association, to represent the state society for the prevention of cruelty to animals, and to receive and account for all funds coming to the said society, from fines or otherwise.

State asso-
ciation may
become a
body corpo-
rate, &c.

SEC. 22. If any person shall violate any of the provisions of sections one, two, three, four, five, six, eight, ten and eighteen of this act, every such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any magistrate or the judge of any court having competent jurisdiction, shall be fined in a sum not exceeding two hundred dollars, nor less than five dollars, or be imprisoned in the county jail, or work house, if there be one legally established within the jurisdiction of the court or magistrate before which the case may be tried, for a period not exceeding sixty days or both, at the discretion of the judge or magistrate before whom the case may be tried, and every person who shall violate any of the provisions of section seven of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as therein provided.

Penalties for
violations of
provisions of
this act.

SEC. 23. In all prosecutions commenced under the provisions of this act, before any justice of the peace, police judge of any city, or the mayor of any city or village, said justice of the peace, police judge or mayor shall have final jurisdiction in all such cases, whether the right of trial by jury is waived or not; and if the right of trial by jury is not waived, the said justice of the peace, police judge, or mayor shall proceed to impanel a jury of twelve men by writing in

Duties of
magistrates,
&c., in pros-
ecutions un-
der this act.

a panel the names of twenty-four persons, citizens of the respective township, village or city, from which the accused party shall have the right to strike twelve names, and the remaining twelve shall constitute the jury to try such cause, and if, from challenge or other cause, the panel shall not be full, the attending constable or officer may fill the same, in the same manner as is done by the sheriff of the court of common pleas. And all the funds collected from the fines in all the cases tried under the provisions of this act, shall be paid into the society or association for the prevention of cruelty to animals, if any such society or association exists in such township, city or village where the case is tried, and if no such society exists in said township, city or village, then said fine or fines shall be paid to the state society for the prevention of cruelty to animals.

Acts repealed.

SEC. 24. And the act entitled "an act to prevent cruelty to animals," passed April 4, 1871 (O. L., Vol. 18, p. 54,); also an act entitled "an act to incorporate humane societies, and supplementary to the act to prevent cruelty to animals," passed April 4, 1871, passed April 15, 1873; also an act entitled "an act supplementary to an act entitled an act to prevent cruelty to animals," passed April 4, 1871, passed April 28, 1873; also an act entitled "an act to enable associations formed for the purpose of preventing cruelty to animals, to become bodies corporate," passed May 1, 1873; also an act entitled "an act to amend an act entitled an act defining the powers and duties of justices of the peace and constables in criminal cases, passed March 27, 1837, took effect July 4, 1873," passed April 18, 1874; also an act entitled "an act to amend section six of an act entitled an act to prevent cruelty to animals, passed April 24, 1871," as passed April 18, 1874, be and the same are hereby repealed.

SEC. 25. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

Prescribing the rate of State Taxes and to repeal an act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be levied, annually taxes for state purposes, on each dollar of valuation of taxable property, as follows:

For general revenue purposes, being the expenses of the state government, and such other charges as by law are payable from said fund, four-tenths of one mill. Said fund shall be styled the general revenue fund.

For general revenue.

For state benevolent, penal and reformatory institutions, five-tenths of one mill, which shall be styled the asylum fund; and to meet the increased expenditures for building, re-building, completing and repairing the state public institutions, there shall be levied for said fund, for the year 1875, the additional tax of four-tenths of one mill. On the reimbursements of any sums heretofore transferred to the general revenue fund, from other funds in the treasury, previous to the division of said funds under the act passed January 14, 1873, the general revenue fund shall pay thirty per cent., and the asylum fund seventy per cent. of said sums. For the payment of the interest and the constitutional reduction and further payment of the principal of the debts of the state, eight-tenths of one mill. Said fund to be styled the sinking fund.

For asylum fund.

Reimbursement of funds transferred.

For sinking fund.

For the support of common schools, one mill. Said fund shall be styled the common school fund.

For common schools.

SEC. 2. The act prescribing the rates of state taxes, passed April 20, 1874, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

Relating to the wards of orphan asylums.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any minor child shall be left in charge of any orphan asylum, conducted by a society duly organized as a corporation under the laws of this state, with the agreement on the part of the parent, parents, or mother, in case of the death of the father, or desertion of the family, or guardian of such minor child, that they will clothe and provide for the care and boarding of such minor child by the payment, weekly or monthly, of a stipulated sum of money; it shall be lawful for such parent, parents, mother or guardian, also to contract that, in case of their neglect or failure for twelve consecutive months to pay such stipulated sum weekly or monthly as it becomes due, that then, in that case, the minor child shall become the lawful ward of such orphan asylum, to be held or given out for adoption, as the trustees of such orphan asylum are legally authorized to do with minor

When child shall become ward of orphan asylum, etc.

When child
may be given
out for adop-
tion.

children which are legally bound to such orphan asylum. And in such case such an agreement or contract is made by the parent, parents, mother, (in case of the death of the father or desertion of the family,) or guardian of such minor child, and the said parent, parents, mother or guardian shall fail to comply with the terms of such agreement for a period of twelve (12) consecutive months, then in that case, such minor child shall become the legal ward of such orphan asylum, to be held or given out for adoption as fully and perfectly as if it was in legal form bound to such orphan asylum.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

Amendatory and supplemental of an act entitled "An act to organize and regulate an Independent Militia," passed April 18, A.D. 1870. (O. L., vol. 67, p. 107.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one, four, five, eight, twelve and seventeen of the above recited act be so amended as to read as follows:

Independent
companies,
battalions,
etc., author-
ized.

Section 1. That for the purpose of creating greater efficiency in the militia system in the state of Ohio, it shall be lawful for any member of the enrolled militia to embody and organize themselves into independent companies, battalions, squadrons, regiments and batteries, in manner and form, and subject to the provisions and restrictions hereinafter prescribed; Provided, that no such organization shall be received into the state service until the adjutant general shall have fully satisfied himself that the organization so applying is composed of suitable and proper material.

Officers of
companies,
etc., to be
elected.

Section 4. That the members of each company shall have power to elect a captain, a first and second lieutenant, and when two (2) companies shall have been duly organized and united, they shall have power to elect a major; and when four companies shall have united, they shall have power to elect a colonel, and when more than five companies shall have been duly organized and united, they may form and organize themselves into a regiment, and elect a lieutenant colonel in addition to the field officers named. The battalion and regimental staff officers shall consist of an adjutant, a quartermaster, and a surgeon, and shall be appointed by the commanding officer of the battalion or regiment, all of which said officers so elected or appointed, shall be commissioned and qualified as officers of the like grade in the volunteer militia of the state, and at any meeting, en-

campment or parade, the senior officer present shall preside or have command.

Section 5. That said companies and other organizations, as herein provided, shall be separate from and independent of any and all other military organizations and commands whatever in the state, and shall be subject solely to the direct call of the governor of the state for the suppression of insurrection and riot, or the repelling of invasion, or the enforcement of the execution of the laws according to the provisions of the constitution and laws of the state; and in all cases of demand or requisition for military force by a sheriff or mayor, it shall be to the governor of the state, who shall in his discretion order out such number of the same as in his judgment the emergency may require.

To be independent of other military organizations.

Section 8. Every such company, battalion, squadron, regiment or battery, shall, once in each year if practicable, during the months of July, August or September, hold an encampment, to continue not less than three days, and the officers and soldiers forming such encampment shall be drilled and regulated in accordance with the rules and usages of the United States army, and where practicable, shall be inspected by the adjutant general or assistant adjutant general, and the commandant shall give five days' public notice of the time and place of such encampment.

Encampments to be held.

Section 12. That each and every member of such organizations shall receive one dollar per day, or one dollar per night, or two dollars for each [day] and night together, when serving under the order of the governor to suppress riots or to enforce the laws, to be paid out of the treasury of the state on proper vouchers being furnished by the commanding officer of the company or battery, approved by the governor. They shall also be furnished with the necessary transportation and subsistence when called into service, and while serving as aforesaid, to be paid out of the treasury of the state on proper vouchers approved by the governor being produced.

Compensation of members.

Section 17. Any person found guilty of selling, disposing of, hiding, secreting, detaining, or refusing to give up any of the arms, accoutrements, ordnance stores, camp or garrison equipage, or munitions of war belonging to the state of Ohio, or who shall willfully injure any of the same, or any arsenal or armory belonging to or rented by the state, or owned or rented by or furnished to any company, battalion, squadron, regiment or battery, organized under this act or the act to which this act is amendatory and supplemental, or any person who shall be found guilty of selling, disposing of, hiding, secreting, detaining, or refusing to give up any property belonging to such organization, or willfully injuring the same, or secreting, detaining, or refusing to give up any money or other valuables belonging to the same, shall on conviction thereof, be fined in any sum not exceeding five hundred dollars.

Penalty for selling, secreting, etc., arms, accoutrements, etc.

SEC. 2. All organizations heretofore formed under the act named, as well as all such organizations hereafter formed, shall be under the full and complete control of the governor,

Control and duties of the governor.

who shall make and promulgate from time to time such general regulations for their government and discipline as may be necessary; and the governor is hereby authorized and empowered to discharge from the service all incapable officers upon the fact of the incapacity being ascertained by the findings of a court of inquiry.

Duty of adjutant-general to inspect, etc.

SEC. 3. It shall be the duty of the adjutant-general, at least once in each year, to personally inspect, or cause to be inspected by the assistant adjutant-general or one of the aids-de-camp of the governor, every such organization in the state, the times and places of such inspection to be filed by the adjutant-general and promulgated in general orders.

Armories may be furnished by towns and cities.

SEC. 4. That each and every town and city in which such organization now exists, or may hereafter be duly organized, may furnish the same with suitable armories, and provide for defraying the necessary expenses thereof.

Penalty for refusal or neglect to respond to call of governor, etc.

SEC. 5. Any officer or soldier who shall willfully refuse or neglect to respond to the call of the governor for the suppression of insurrection and riot, or the repelling of invasion, or the enforcement of the execution of the laws as herein provided, or any person who shall advise, or endeavor to persuade any officer or soldier to refuse or neglect to so appear, shall be held guilty of a misdemeanor, and on conviction thereof, shall be fined not to exceed one thousand dollars.

Fines, etc., to be collected by civil suit.

SEC. 6. All fines and dues levied or assessed by the by-laws, rules and regulations of any such company or battery may be collected by civil suit.

Equipage to be furnished by quartermaster-general.

SEC. 7. The quartermaster-general shall purchase and keep ready for use, or issue to the troops, as the best interests of the service may require, such amount and kind of camp and garrison equipage as may be necessary, to be paid for out of any funds in the treasury not otherwise appropriated.

Ohio National Guard.

SEC. 8. That such organizations shall hereafter be known and designated as the "Ohio National Guard."

SEC. 9. That sections one, four, five, eight, twelve and seventeen of the above mentioned act, be and the same are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To amend an act passed May 7, 1869 (O. L., Vol. 66, p. 344), entitled "An act to amend an act to provide for the voluntary dissolution of corporations," passed April 15, 1867, and to repeal the act so hereby amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act of

April 16th, 1867, as amended by said act of May 7th, 1869, be and the same is hereby amended so as to read as follows:

Section 1. That whenever the directors, trustees, or other officers having the management of the concerns of any corporation, or the majority of them, or whenever any number of stockholders representing not less than one-third of the capital stock of any corporation organized under the laws of the state, shall discover that the stock, property and effects of such corporation have been so far reduced by losses or otherwise, that it will not be able to pay all just demands to which it may be liable, or to afford a reasonable security to those who may deal with such corporation, or whenever such directors, trustees or officers, or a majority of them, or whenever any number of stockholders representing not less than one-third of the capital stock of any corporation organized under the laws of this state, shall deem it beneficial to the interests of the stockholders that such corporation should be dissolved, or when such directors, trustees or other officers shall be thereby authorized to apply for a decree as herein-after provided for by a majority of the stockholders, or whenever the object of such corporation shall wholly fail or be entirely abandoned, or it shall be impracticable to accomplish such objects, they may apply to the court of common pleas of the county, or the superior court of the city or county in which the principal place of conducting the business of said corporation shall be situated, by petition, for dissolving such corporation, pursuant to the provisions of this act.

When application may be made to dissolve corporation.

SEC. 2. That the original section so hereby amended be and the same is hereby repealed, and this act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To create sub-division number four in the fifth judicial district of the court of common pleas, and to authorize the election of a judge therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the counties of Clermont, Brown and Adams, shall constitute the first sub-division; Highland, Ross and Fayette the second; Franklin the third, and Pickaway and Madison fourth sub-division of the fifth district, and together shall form such district.

Sub-divisions of 5th judicial district.

SEC. 2. That the several judges now in office in the first, second and third subdivisions of said district, as they are now constituted, and their successors in office, shall be the judges of the first, second and third subdivisions respectively herein described; provided, that nothing herein shall be construed so as to interfere in any way with the holding of courts

Assignment of judges.

in said district as they are now held prior to the second Monday of May, A.D. 1875.

Election of
an additional
judge.

SEC. 3. There shall be elected one additional judge in said fifth judicial district, who shall be a resident of said fourth sub-division, and shall be the judge of the court of common pleas in said fourth sub-division. That the first election for judge of said fourth sub-division shall be held on the first Monday in April, A.D. 1875, and his successor shall be elected on the second Tuesday in October, A.D. 1879, and every five years thereafter, for the term of five years, and his terms of office shall commence on the second Monday in May thereafter.

Duty of
sheriffs.

SEC. 4. It shall be the duty of the sheriff in each county in said sub-division number four, at least fifteen days prior to said first Monday in April, A.D. 1875, and at least fifteen days prior to the second Tuesday in October hereafter in each year when an election for such judge in said sub-division number four is to be held, to give notice by proclamation of the time and place of holding such election, which shall be conducted and the returns thereof made in the same manner as required by law in case of the election of other judges of the court of common pleas, except that the abstract and certificate of election shall be transmitted by the clerk of the court of common pleas of Pickaway county to the secretary of state, who shall certify the same to the governor, and thereupon the governor shall issue a commission to the person elected such judge.

Salary, duties,
&c., of
new judge.

SEC. 5. The said judge of said sub-division number four, shall receive the same salary as other judges of the court of common pleas, and when so elected and qualified, he shall have in all respects the same powers and jurisdiction, and discharge all the duties as are conferred and enjoined by the constitution and laws of this state upon the judges of said court; and any vacancy that may occur in the office of such judge by death, resignation or otherwise, shall be filled as in other cases of vacancy in the office of judge of said court.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To amend an act entitled "An act to require county commissioners to construct approaches to bridges." (O. L., Vol. 71, 115.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of said act be and is hereby amended so as to read as follows :

Section 1. That the commissioners of any county in this state shall cause to be constructed, without unnecessary delay, good and sufficient approaches or ways to bridges, which have been or may hereafter be erected by such commissioners; and the commissioners shall contract for the construction thereof in the same manner as is provided by law for contracting for the erection of bridges by county commissioners; and the cost of constructing such approaches or ways shall be paid from the bridge fund of the county, on the order of the commissioners; provided, that the trustees of the several townships shall cause to be built and kept in repair all bridges and culverts (except upon improved and free turnpike roads), where the cost for construction does not exceed twenty-five dollars, and that the township trustees are hereby authorized to levy a tax for the payment of the same.

County commissioners required to construct approaches to bridges.

SEC. 2. That section one of said act, as well as the act of which it is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To amend an act entitled an act to authorize the appointment of commissioners of Fisheries for the State of Ohio, and defining their duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is established in the State of Ohio a commission of fisheries, to be continued until otherwise ordered by the general assembly of the State of Ohio. That said commission shall consist of three commissioners, to be appointed by the governor, by and with the advice and consent of the senate, who shall hold their office for three years from the day of their appointment unless sooner removed for cause; and in case a vacancy shall occur in said commission from any cause, the governor shall fill such vacancy for such unexpired term as provided herein, and in case such vacancy should occur during the recess of the general assembly, the governor shall fill such vacancy to continue till ten days after the meeting of the next general assembly.

Establishment of commission of fisheries.

SEC. 2. That there be and is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars, to be expended under the direction of the commissioners of fisheries of the state of Ohio; which the treasurer of state shall pay to them on the warrant

Appropriation for expenses thereof.

of the auditor of state, on their certifying that the same is necessary for defraying the expenses of said commissioners, and the costs of erecting and maintaining one or more hatching houses in this state, for the purpose of procuring and hatching fish eggs, and in transporting the same or their spawn and in superintending the propagation of fish in the waters in, and adjoining, the state of Ohio.

SEC. 3. That section one of the act to authorize the appointment of commissioners of fisheries for the state of Ohio, and defining their duties, passed May 3, 1873 (O. L., 70, p. 274), be so amended as to read as follows:

Commissioners to be appointed by governor.

Section 1. That the governor shall appoint, immediately after the passage of this act, by and with the consent of the senate, three commissioners of fisheries, who shall, within ten days from the time of receiving notice of such appointment, signify their or his intention to accept said office to the governor; and shall severally enter into a bond with one or more surety or sureties, to the satisfaction of the governor, in the sum of two thousand dollars, conditioned for the faithful performance of the duties of said office, which shall be deposited with the secretary of state for safe keeping.

Term of former commissioners terminated.

SEC. 4. The terms of the commissioners heretofore appointed, under the act to which this is an amendment, shall cease and terminate on the passage of this act, and that the first section of the act to which this is an amendment, be and the same is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To amend an act entitled "An act to amend an act entitled an act prescribing the rate of taxation for county, bridge, road and township purposes," passed May 1, 1871, passed April 26, 1872. (O. L., Vol. 69, p. 113.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the above recited act be so amended as to read as follows:

Additional road tax allowed, when deemed necessary by trustees.

Section 7. That if the trustees of any township shall deem an additional road tax necessary, they shall determine the per centum to be levied on the taxable property of their respective townships, not exceeding one mill and five-tenths of one mill on the dollar, except in counties where the taxable property is less than ten millions, in which counties the trustees of the different townships thereof may at their discretion levy an additional road tax not to exceed five mills on the dollar valuation of the taxable property of their said

townships, and shall certify the same to the county auditor in writing, on or before the first Monday of June in each year; and the auditor of the county shall assess the same on all the taxable property in the township, and the same shall be collected in the December installment and paid out as other taxes, except as is provided specially by law.

SEC. 2. That section seven of the above recited act be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

Passed 1875.

AN ACT

To amend section thirteen of the act of May 1, 1852, entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, as amended April 20, 1874. (71 O. L., 146), and to repeal an act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section thirteen of the above mentioned act be amended so as to read as follows:

Section 13. Such corporation, or any corporation operating a railroad, in whole or in part, in this state, may demand and receive for the transportation of passengers on said road, not exceeding three cents per mile for a distance of more than eight miles; Provided, the fare shall always be made that multiple of five nearest reached by multiplying the rate by the distance; and for transportation of property not exceeding five cents per ton per mile when the same is transported a distance of thirty miles or more; and in case the same is transported a less distance than thirty miles, such reasonable rate as may be from time to time fixed by said corporation or prescribed by law; Provided, that for the transportation of coal, pig-iron, limestone, iron ore, undressed stone or lumber, not more than five cents per ton per mile shall be charged for any distance of five miles or more, and in case the same is transported a less distance than five miles such reasonable rates as may be from time to time fixed by said corporation, or prescribed by law, and said railroad corporation may charge on such freight a reasonable rate for loading and unloading when the same is in fact done by such corporation, and every such corporation, its officers, employees or agents who shall violate, or permit to be violated, the provisions of this act, or any other corporation, its officers, employees or agents who shall demand or receive a greater sum of money for the transportation of passengers or property on or over their railroad than the sum allowed by law, shall pay to the party aggrieved for every such overcharge a sum equal to double the amount of the overcharge, but in no

Price of transportation of passengers on railroad prescribed.

Price of transportation of freight.

Extra charge for loading and unloading.

Penalty for violation of this act.

Applicable
to railroads
now in oper-
tion.

Exceptions.

Repeal of act
of April 20,
1874, and the
effects.

case shall the amount to be paid be less the one hundred and fifty dollars to any bona fide claimant using said road in the due course of his business; Provided, further, that this act shall apply to all railroads now in operation in this state, organized under the provisions of the act entitled "An act regulating railroad companies," passed February 11, 1848, and all other railroad companies now in operation chartered by special acts of the General Assembly since the passage of said act, which by the acts of incorporation make such railroad companies subject to the restrictions of said act of February 11, 1848, and to all railroads and railroad companies organized under any of the laws of Ohio; except that the provisions of the first section of this act shall not apply to any railroad not exceeding twelve miles in length, nor to any railroad in course of construction, and whose gross earnings are less than four thousand dollars per mile per annum, where such railroads are not owned or operated by corporations operating another railroad; Provided, that any such railroad shall not remain in such uncompleted state for a greater period than five years, from and after the passage of this act.

SEC. 2. That the said act of April 20, 1874, be and the same is hereby repealed, and the repeal of said act shall affect, and annul penalties accruing or accrued under said act, or the act of April 25, 1873, repealed thereby; Provided, that no railroad company or corporation shall be released from its liability in actions now pending and causes of action heretofore accrued to any person from whom such railroad company or corporation by its officers or agents shall have demanded and received fare or freight at a rate above that allowed by law; Provided, such person paid out overcharge while using such railroad in the due course of his or her business and not for the purpose or with the view of obtaining the penalty provided by law for such overcharges, and such person may maintain his or her action in any court of competent jurisdiction for the recovery of such penalty.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section seven of an act entitled an act to protect certain birds and game, and to protect land owners and punish trespassing upon improved or inclosed land, and to repeal certain statutes therein designated.
Passed April 20, 1874. (O. L. Vol. 71, p. 147).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven of the above mentioned act be amended so as to read as follows:

Section 7. And it shall be unlawful for any person, between the first day of December, and the first day of November, to kill any wild deer. Any person offending against this section of this act shall be fined in any sum not less than ten nor more than fifty dollars, or be imprisoned, on conviction, not more than thirty days in the county jail, or both, at the discretion of the court, and shall pay the costs of prosecution.

When unlawful to kill deer.

SEC. 2. That said section seven is hereby repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To amend section nine of an act entitled "An act concerning divorce and alimony," passed March 11, 1853, as amended March 1, 1870, and amended February 27, 1873 (O. L., Vol. 70, p. 50), and amended January 6, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section (9) nine of an act entitled "an act concerning divorce and alimony," passed March 11, 1853, as amended March 1, 1870, and amended February 27, 1873, and amended January 6, 1875, be amended so as to read as follows :

Section 9. That the said court while in session, or any judge thereof during vacation, upon a sufficient notice to the opposite party of the time and place of application, shall have power to grant alimony to the wife for her sustenance and expense pending said suit, and an allowance to her for the support of a minor child or children dependent upon the husband for support, and not provided for by him during the pendency of a petition for divorce, or for alimony alone filed for any of the causes aforesaid, and award execution therefor; and in all such cases, when an appeal is taken by either party to the district court, said court or any judge thereof in vacation shall have power to grant like alimony and support during the pendency of said case on appeal, upon like notice being given; and any person, corporation or company, having possession or control of, or claim any interest in any property, real or personal, of the husband, out of which the wife seeks alimony allowed her, may be made party defendant in said action; and whenever it may be made to appear to such court or judge that the said husband is about to dispose of or so encumber his property, or any part thereof, so as to defeat the wife in obtaining alimony, the said court or

Power to grant alimony during pendency of suit for divorce, &c.

Like power on appeal to district court.

Persons, corporations, &c., holding property of husband may be made a party, &c.

judge, may allow an injunction to prevent the same, with or without bond, at the discretion of said court or judge, and the wife may sell and assign the order for alimony or allowance after the same shall be made.

Repeal.

SEC. 2. That said original section nine passed March 11, 1853, and an act amendatory thereof, passed March 1, 1870, amended February 27, 1873, and also an amendatory act passed January 6, 1875, be and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section seven (7) of an act entitled "An act to amend section seven (7) of an act entitled an act to amend an act entitled an act to amend section seven (7) of an act further to prescribe the duties of county commissioners," passed April 8, 1856, as amended February 26, 1857; passed May 7, 1869 (O. L., p. 350, Vol. 66), as amended by an act passed March 13, 1872, passed April 20, 1874. (O. L. of 1874, p. 103.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven (7) of the above entitled act be so amended as to read as follows:

County commissioners to publish monthly statement of transactions, etc.

Section 7. It shall be the duty of the county commissioners, at the commencement of each month, to cause to be printed, in a compact form, in at least two newspapers to be of different political parties, where there are such papers printed in the county; provided that one of said publications shall be made in a German newspaper if there be published any such papers of general circulation in such county, and provided such publication can be procured at an expense not exceeding ten dollars a month, to each paper in which the same may be published a complete transcript from the journal of the transactions of such commissioners during the preceding month and a statement of all orders issued for the payment of money, and to whom, and for what purpose the same were issued. And it is hereby made the duty of the auditor to furnish copies of the matters herein required to be printed to the publishers who may print the same. The auditor shall also make out and file one copy of each of said transcripts and statements with the clerk of the court of common pleas of such county; and the court shall cause said transcripts and statements at least once in each year to be investigated and examined by a committee of three suitable and judicious persons to be appointed by the court. To aid in their investiga-

Examination thereof by a committee.

tion, the persons so appointed to examine said transcripts and statements shall have power, when in their opinion it is necessary and the court shall so order, to subpoena witnesses to appear before them at such time and place as may be designated. Upon the filing of a præcipe with the clerk of the court of common pleas, he shall issue a subpoena directed to the sheriff of the county, who shall serve the same, and make return according to law; such witnesses may be sworn before any officer authorized to administer oaths, and shall be thereupon compelled to answer such questions as may be put to them relative to the official transactions of the county commissioners. The clerk of the court shall certify all costs arising under their proceedings, which fees shall be allowed by the court to the auditor of the county, who shall draw orders on the county treasury for the payment of the same. In case of any violation of the law, the prosecuting attorney is hereby authorized to cause the same to be prosecuted according to the nature of the case, and if any county commissioner or county auditor in this state fail or neglect to discharge the duties required of them by this act at the times herein required, they shall be fined in any sum not exceeding one hundred dollars. And it is hereby made the duty of the prosecuting attorney of such county to prosecute, in the court of common pleas, as is provided by law in similar cases, any or all of such county commissioners or auditors who shall neglect or refuse to discharge the duties required of them by this act.

Violation of
law to be
prosecuted,
etc.

SEC. 2. That section one of an act entitled an act to amend section seven of an act further to prescribe the duties of county commissioners, passed April, 1874 (Vol. 71, p. 103), be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the governor to execute a deed for certain canal lands.

WHEREAS, On the 30th day of July, A. D. 1833, Richard Butkin, of the county of Shelby, and state of Ohio, did enter, at the state land office at Piqua the north-east quarter of the south-west quarter of section 4, town. 7, south, range 6 east, in said county of Shelby, and being part and parcel of the lands granted to the state to aid in the construction of the canals authorized by law; and

WHEREAS, The receipts of the register and receiver issued

to said Butkin on account of said purchase, and also the governor's deed therefor, (executed on the third day of December, A. D. 1833, as appears from an indorsement on the returns of the register and receiver aforesaid), have been lost or destroyed, and no record exists from which a copy of either can be made; and

WHEREAS, The said Butkin and his heirs and assigns have remained in undisturbed possession of said tract to this date; and

WHEREAS, From the returns of the said register and receiver, filed in the office of the auditor of state, (the only record evidence of said entry now existing,) it appears that the sale was originally entered on said returns as hereinbefore described, but has since been changed so as to read: the "north-east quarter of the south-east quarter," which is an erroneous description of said sale or entry; therefore,

Governor to execute a deed in place of one lost or destroyed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor be authorized and required to execute a deed for the said north-east quarter of the south-west quarter of section 4, township 7, s. r. 6. e. to the present claimants of the said tract, under the will of the said Richard Butkin, deceased.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the trustees of State Benevolent Institutions to appropriate private property to public uses in certain cases.

Trustees of benevolent institutions to appropriate real estate in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of any of the benevolent institutions organized and conducted under the laws of the State of Ohio, are hereby authorized whenever in their judgment it shall be necessary for the benefit of such institutions, or for the more efficient and proper administration of the charities contemplated by their organization, to acquire any real estate, right of way or easement in real estate, and when they shall be unable to agree with the owner or owners thereof upon the price to be paid therefor, to make application by petition to the court of common pleas of the county in which such institution shall be located, for the appropriation of such real estate, right of way or easement, and all proceedings under such application shall be conducted under and in accordance with the provisions of existing laws regu-

lating the appropriation of private property by municipal corporations; provided, that it shall be optional with such board of trustees to refuse to accept the real estate, right of way or easement sought to be appropriated, at the price found by the jury, in case they shall pay the costs and necessary expense to the property owner of such proceeding, to be found by the court; provided, that no board of trustees shall institute proceedings to appropriate property as above provided for unless an appropriation of money for such purpose shall first have been made by the general assembly.

Trustees to
refuse to ac-
cept if price
exorbitant.

SEC. 2. This act shall be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section thirty-six of an act entitled an act for the punishment of offenses therein named, passed March 8, 1831 (S. & C., Vol. 1, p. 432), and to protect prairies, woods and improved lands from fire.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every person who shall willfully, maliciously, or negligently set fire to any woods, prairies or grounds not his own property, or shall willfully or maliciously permit any fire to pass from his own prairies or grounds to the injury or destruction of the property of any other person, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding twenty days, or both, at the discretion of the court; and shall also be liable to the party injured for all damages sustained.

Maliciously
setting fire
to woods,
prairies, &c.

SEC. 2. Whenever the woods or prairies in any township shall be on fire, so as to seriously endanger property, the trustees of such township may order as many of the inhabitants of such township, liable to work on the highways, and residents in the vicinity of the place where such fire shall be, as they shall deem necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing the same or stopping its progress; and every person called out under the provision of this section shall be allowed by the supervisor of his road district, to be applied on his poll or road tax, the same per day that he is now allowed for work on public highway.

SEC. 3. If any person shall refuse or willfully neglect to comply with such order, he shall forfeit a sum not less than

five nor more than fifty dollars, to be collected before any justice of the peace of the township.

SEC. 4. That section thirty-six of an act entitled an act for the punishment of certain offenses therein named, passed March 8, 1831, took effect June 1, 1831, (29 Vol. Stat., 144) be and the same is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

For the protection of ditches, drains and water-courses.

Unlawful
to obstruct
ditch, drain
or other wa-
ter-course.

Penalty
therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful to willfully obstruct any ditch, drain or water-course, or to divert the water from the same, which has been or may be constructed under the laws of this state, by any board of county commissioners or township trustees.

SEC. 2. Any person or persons violating the provisions of the first section of this act shall, upon conviction thereof, before any justice of the peace or other court having jurisdiction of such offense, be fined in any sum not less than ten dollars nor more than one hundred dollars, and shall, by the order of the court imposing such sentence, be committed to the jail of the county until the fine and costs shall be paid.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To enable savings societies organized under the law of April 16, 1867, to make certain investments, and charge a certain rate of interest.

Authorizes
savings so-
cieties to in-
vest funds
in municipal
bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That savings societies organized and doing business under an act entitled "An act to incorporate savings societies," passed April 16, 1867, (S. & S., 188,) and the amendments thereto, are hereby empowered, in addition to the investments authorized in said acts, to invest their funds in the bonds of any county or municipal corporation, issued in pursuance of any law of this state.

SEC. 2. That it shall be lawful for such societies to charge interest on loans, at a rate of interest not to exceed eight per centum per annum, payable semi-annually.

Rate of interest on loans.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To provide for the incorporation of companies for the transportation of Petroleum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any number of persons not less than three may associate themselves together as is provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled "An act for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852 (O. L., Vol. 50, page 274), for the transportation of petroleum and water through pipes or tubing.

Petroleum companies may be incorporated.

SEC. 2. And that any company organized for such purposes, under the provisions of said act, shall have the right to transport, store, insure and ship, petroleum, and to transport and store water for the purpose of furnishing the same to engineers employed in developing for, or in the production and transportation of petroleum, and for that purpose to lay down, construct and maintain pipes, tubing, tanks, and such other machinery and arrangements, only, as may be necessary, and to enter upon, use and occupy such lands as may be required for the purposes of the company; and for rights of entry upon lands, rights of way necessary to the construction and operation of said lines of pipes and fixtures aforesaid, they shall be entitled to all the rights and privileges, and be subject to all the limitations and restrictions of the different acts under which and by which railroad companies are governed in the state of Ohio; provided, however, that nothing herein contained shall be construed to authorize the construction of any railroad.

The right to transport and store water and maintain pipes, etc., as necessary for petroleum

Right to enter and occupy lands for certain purpose.

SEC. 3. This act shall take effect from and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

In relation to Mendicant and Vagrant Children.

Forbids sale
or hire of
children for
mendicant
purposes.

Penalty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person, whether as parent, relative, guardian, employer or otherwise, having in his or her care, custody or control any child under the age of seventeen years, who shall sell, apprentice, give away, let out, or otherwise dispose of any such child to any person under any name, title or pretense for the vocation, use, occupation, calling, service or purpose of singing, playing on musical instruments, rope-walking, dancing, begging or peddling in any public street or highway, or in any mendicant or wandering business whatsoever; and any person who shall take, receive, hire, employ, use or have in custody any such child for such purposes, or either of them, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof before any court or [of] competent jurisdiction, shall be fined in a sum not less than fifty nor more than two hundred dollars, or suffer imprisonment for a period not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court.

SEC. 2. This act shall take effect from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To secure liberty of conscience in matters of religions to persons imprisoned, or detained by authority of law.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That as liberty of conscience is not forfeited by reason of conviction of crime or by reason of detention in any penal, reformatory, or eleemosynary institution or any house of refuge, work house, jail or public asylum in this state, no person in any such institution shall be compelled to attend religious worship or instructions of a form which is against the dictates of his or her conscience; and it shall be the duty of every director, trustee, superintendent or other person having in charge any such institution, to furnish ample and equal facilities to all such persons for receiving the ministrations of the authorized clergyman of their own religious denominations or persuasions, under such reasonable rules and regulations as the trustees, directors, managers or superintendents shall make, but no such rules shall be so construed as to prevent the clergyman of any denomination from fully administering the rites of his denomination to such inmates; provided, such ministration entail no expense on the public treasury.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To provide for the improvement of streets and avenues in certain cities of the second class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the second class having a population of over thirty-one thousand at the last federal census, the owners of property abutting on any street or avenue shall be and are hereby authorized to elect five citizens of such city, owners of property abutting as aforesaid, whose duty it shall be to control and superintend the grading, curbing and paving of such street, and who shall serve without salary.

Owners of property abutting on streets to be improved to elect five persons to superintend.

SEC. 2. When the council of any such city shall direct the grading, paving and curbing of any street or avenue, under the provisions of this act, and authorize the election of commissioners, the time and place of holding said election shall be fixed by three citizens, owners of property as aforesaid, appointed by said council, who shall act as officers at such election, and said election shall be held within thirty days after said officers shall have been appointed; of which election they shall give public notice for three weeks before said time, by advertisement in at least two newspapers of such city, and by handbills posted in public and conspicuous places along the street or avenue to be improved. If said officers shall neglect to give the notice required, the city council may appoint other officers to hold said election as herein provided.

When election held; notice of election.

SEC. 3. Said election shall be by ballot; each owner of property shall be entitled to one vote for every foot front of property abutting on said street or avenue; and each owner of property may vote for not more than five persons, and the five persons having the highest number of votes cast, respectively, shall be declared to be elected; the officers conducting said election shall, before opening the polls, be duly sworn to faithfully perform their duties; they shall keep a list of persons voting, and shall, within ten days after said election, return to the city clerk a list of the voters at said election, the ballot cast, and the number of votes cast for each person voted for, copies of the advertisements, and the names and dates of the newspapers in which the same were published, all of which shall be certified to by said officers. If upon such return said election appears to have been regular, the said clerk shall issue certificates of election to the persons who appear by said return to have been elected, unless no-

Council to appoint in such case.

How election held, and when.

Certificates of election to be issued, &c.

tice be given to said city clerk within ten days after said election, that the same was irregularly conducted, or that some of the persons elected were ineligible, which notice shall be in writing, signed by one or more persons interested in the improvement, and specifying the ground of said objection; if such notice shall be given, it shall be the duty of the city clerk to report the same to the city council, who shall order an investigation of said objections, by a committee for that purpose; if said committee shall find that the objections are not well taken, the papers shall be returned by said committee to the city clerk, with a certificate of their action, whereupon he shall issue the certificate as aforesaid; if said committee shall find that the objections were well taken, they shall so report to the council, who shall order a new election of the entire board, or any one or more of said commissioners, as the case may be; if no objection shall be made to said election, as aforesaid, or if the committee of investigation appointed as aforesaid shall report in favor of its legality, the same shall be regarded as legal and valid. In case of a tie vote between any persons voted for as commissioners, the elective officers shall order a new election to supply the vacancy, to be held at such time and place as they may fix, not more than twenty days thereafter, of which they shall give notice in the manner heretofore directed, for two weeks.

New election ordered when election irregularly conducted; a tie vote found.

Organization of commissioners.

SEC. 4. The commissioners who shall have been elected shall organize within ten days after notice of their election, which notice shall designate the time and place for said organization. They shall elect one of their number president, and a secretary, who may be one of their number or not, as said commissioners shall determine; and said secretary shall receive such compensation as the commissioners may determine.

Non-attendance at time and place designated for organization.

SEC. 5. If a majority of the commissioners shall fail to attend at the time and place designated for organization, the city clerk shall report the facts to the council, who may, if they see proper, order a new election, or repeal the ordinance authorizing said improvement. If any of said commissioners shall remove from the city, or cease to be a property owner as aforesaid, or shall neglect or refuse to attend in succession four regular meetings of the board, or meetings of which he shall have been duly notified, said commissioners shall be authorized to declare his position vacant; and if any vacancy shall occur in said board by death, resignation or otherwise, the remaining commissioners shall be authorized to fill the vacancy by the election of a suitable person, qualified as hereinbefore provided, and shall immediately thereafter notify the city clerk of such change. A majority of said commissioners shall constitute a quorum for the transaction of business.

Commissioners to determine kind and description of pavement, &c.

SEC. 6. Said commissioners shall be and are hereby authorized to determine the kind and description of pavement to be used upon said street or avenue, and for said purpose shall make and enter into contracts for furnishing materials, grading, curbing and paving of the said street or avenue,

either for the entire work in one contract, or for parts thereof in separate and specified sections, as to them may seem best, and to superintend and control all work done in pursuance thereof, and to dispose of any surplus material obtained in the grading thereof; provided, that said improvement shall be uniform throughout the length to be improved, and shall conform to the grade of such street or avenue as now established, or it may hereafter be established by the city council; and provided further, that no work shall be done under any contract until a certified copy thereof shall have been filed in the office of the city clerk.

SEC. 7. All contracts shall be made by the said commissioners in the name of the respective city, and shall be made with the lowest bidder or bidders upon sealed proposals, after public notice for not less than three weeks in three newspapers of the said city, and in such other papers as said commissioners may select; which notice shall contain a description of the kind and amount of work to be done and materials to be furnished, as nearly accurate as practicable, and the terms of payment, which shall be fixed by said commissioners.

Contracts to be made to lowest bidders in name of city.

SEC. 8. Each contractor shall be required to give bond to the respective city, with sureties to be approved by said commissioners, for the faithful performance of his contract, and said commissioners shall have power to institute suit in the name of the said city to enforce all contracts made by them.

Contractor to give bond.

SEC. 9. All contracts made by said commissioners, for the payment of money, shall provide for the payment out of the funds hereinafter provided for said improvement.

SEC. 10. It shall be the duty of the city engineer of the respective city to furnish to said commissioners the proper grades and lines, and to see that the work is done in accordance with the ordinance and regulations of the city as to grades and lines.

City engineer to furnish grades.

SEC. 11. As soon as the grading and paving of said street or avenue, or any section thereof, shall have been completed to the satisfaction of said commissioners, they shall notify the city engineer of the fact, and said street or avenue, or part thereof, shall, thereafter, be under the control of the proper officers of the said city.

When finished street to under control of city officers.

SEC. 12. For the purpose of providing for the payment of the cost and expense of said improvements, the said commissioners shall be authorized from time to time, as the work progresses, to make requisition upon the mayor of the said city for the issue of bonds of said city, in such sums as they deem best; and it shall be the duty of the said mayor to make and execute bonds in the name of said city, to an amount not exceeding the amount of the contracted price for said work, and the incidental expenses attending the same; said bonds shall bear the name of the street or avenue improved; they shall be signed by the mayor and countersigned by the city clerk, and sealed with the corporate seal of said city; they shall be all of the same date, and they shall be payable seven years after date, and redeemable at any time at the option of said city; they shall bear interest

When payment to be made—how bonds issued.

at the rate of seven per cent. per annum, payable semi-annually from date, principal and interest payable at the office of the treasurer of said city; the said bonds shall be free of taxation.

Bonds to be registered.

SEC. 13. When said bonds shall have been issued by the mayor and sealed with the corporate seal, they shall be delivered to the city clerk, who shall register them in a book to be kept for that purpose; he shall then countersign the same and deliver them to the said commissioners, and take their receipts therefor.

Bonds to be sold not less than par.

SEC. 14. Said commissioners shall be authorized to negotiate said bonds in such manner as they may think best and for such prices as may be obtained for the same, not less than par, and shall pay all moneys received therefrom to the treasurer of said city, and report to the city clerk the number of bonds sold and the amount received therefor, and before delivering the same to the purchaser they shall be countersigned by the said commissioners.

Money from sale of bonds kept separate.

SEC. 15. All moneys received by the city treasurer from the sale of said bonds shall be kept by him in a separate fund and paid out on requisition of said commissioners, accompanied with an affidavit of the secretary of said board of commissioners that work has been done or materials furnished to the amount of said requisition, and that is required for the payment of the same; all moneys received by the city treasurer shall be kept in the same manner and subject to all the regulations regarding other money of the city, except that he shall keep a separate account of the same; all interest received upon the same shall be credited to this fund.

When improvement finished assessments to be made.

SEC. 16. When the improvement herein provided for shall have been completed, it shall be the duty of said commissioners to ascertain the entire amount of the bonds sold by them, and the interest thereon to the first day of October preceding, which shall be taken to be the cost of said improvement; said cost shall then be assessed equally per foot front upon the property fronting or abutting upon said improvement.

SEC. 17. Said commissioners shall cause a plat of said avenue or street to be prepared, showing the separate lots of ground and the names of the several owners, and shall make, or cause to be made, a list or schedule of the names of all said owners and the amount assessed against each lot or piece of ground; they shall give two weeks public notice, by advertisement in two newspapers in such city, and by handbills posted in conspicuous places on the line of said avenue, of a time and place where, for the period of twenty days thereafter, the same may be seen for the correction of errors; and after having corrected such errors as may be made known to them, they shall file the same in the office of the city clerk, and shall deliver a copy of said plat and schedule to the auditor of the county in which said city is situated.

SEC. 18. Said assessment shall be placed upon the duplicate of the county, and shall be payable at the office of the county treasurer, in seven equal installments, with interest

at seven per centum upon the unpaid portion thereof, the first of which, with interest on the whole amount at seven per cent., shall be payable at the first semi annual payment of taxes next succeeding the time said assessment is placed on said duplicate, and the other annually thereafter, with interest on the installments not due at the time, until all are paid and said assessment shall be collected like other taxes.

SEC. 19. Said assessments, with the interests accruing thereon, shall be a lien upon the property abutting upon said street or avenue from the commencement of the work, and shall remain a lien until fully paid; they shall have precedence of all other liens, and shall not be divested by any judicial sale; Provided, that said lien shall be limited to the lots bounding or abutting on said street or avenue, and for not exceeding in depth from said avenue 187½ feet.

SEC. 20. Any owner of property against which an assessment shall have been made for the cost of said improvement shall have the right to pay the same in full, with interest thereon at seven per cent. from the time said assessment was made, or after having paid one or more of the said seven installments and interest, he may, at any time, pay the balance of his assessment remaining unpaid, with the interest thereon at seven per cent. from the due date of the preceding payment, at the time of such payment in full, and such payment in full shall satisfy and discharge the lien upon said property; any owner of such property dividing his property so that the feet fronting this improvement are divided into separate lots or tracts, may discharge the lien in like manner upon any one or more of such lots, by payment of the amount unpaid thereon, calculated by the ratio of the feet front of such lot or lots to the feet front of his whole tract.

Plat of improvement to be made.

SEC. 21. All moneys received from assessments shall be appropriated, under direction of the finance committee of the city council of such city, to the payment of the interest and the redemption of the bonds which may be issued for said improvement; if any interest shall become due on said bonds, where there is no fund from which to pay the same, the council of such city shall be authorized to make a temporary loan for the purpose of paying the same.

City council in certain cases to make temporary loan.

SEC. 22. The term owners in said act shall be so construed to include all corporations, public, private and municipal.

SEC. 23. No mistakes in the description of the property, or in the name of the owner, shall vitiate the lien.

SEC. 24. The city council of any such city shall not have the right to authorize any improvement under this act, unless the owners of two-thirds of the feet front of the property abutting upon any street or avenue to be improved in said city shall petition the city council for the privileges of this act; Provided, that no improvement shall be made under this act unless the cost thereof shall exceed the sum of \$100,000.

Owners of two-thirds feet front must assent before improvement commences.

SEC. 25. A part or section of a street or avenue may be improved under this act as well as an entire street or avenue.

SEC. 26. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 ALPHONSO HART,
President of the Sena ..

Passed March 30, 1875.

AN ACT

Relating to certain proposed Amendments to the Constitution and the publication of this Act.

Amendments
proposed.

WHEREAS, The General Assembly of the State of Ohio, (three-fifths of the members elected to each house agreeing thereto,) have proposed amendments to the constitution, to be submitted to the electors for their approval or rejection, at the election for senators and representatives in the general assembly, on the second Tuesday of October, A. D. 1875; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the electors of this state shall vote upon said proposed amendments at the general election in October, A. D. 1875, in the manner and form as prescribed in said amendments, respectively.

SEC. 2. The judges and clerks of the election in each township, ward and precinct, shall, in addition to the returns provided by law, and at the same time, make return to the clerk of the county, of the vote cast for and against said proposed amendments.

Proposed
amendments
to be published.

SEC. 3. A return, additional to the return now required by law to be made of the votes cast at such election for state officers, and senators and representatives, and also for and against said proposed amendments to the constitution, shall be certified and made by the clerk of each county to the secretary of state, within ten days after said election; and within twenty days after said election, the governor, secretary of state and attorney-general, shall open said return and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendments, or either of them; and if it appears that a majority of the votes cast at such election have been cast for said proposed amendments, or either of them, the governor shall make proclamation thereof without delay.

SEC. 4. The secretary of state shall cause the amendments to the constitution, proposed at the present session of the general assembly, to be published in not less than one newspaper in each county of the state wherein a newspaper is published, until the second Tuesday of October, A. D. 1875, and he shall also cause this act to be published in the same manner for two weeks next preceding said election.

SEC. 5. The cost of publishing this act and the said proposed amendments to the constitution, shall be paid out of the state treasury upon the warrant of the auditor of State, upon vouchers approved by the commissioners of the respective counties where the publication is made, from money in the treasury not otherwise appropriated.

How payment for publication to be made.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To amend sections 3, 75, 77, 111, and 123, and sections 91, as amended March 30, 1859, (Ohio Laws, Vol. 56, page 90,) of an act entitled "An act of the jurisdiction and procedure before justices of the peace and of the duties of constables in civil courts," passed March 14, 1853. (S. & C., pages 770—784, 788 and 791).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections three, seventy-five, seventy-seven, one hundred and eleven, one hundred and twenty-three and section ninety-one as amended March 30th, 1859, (Ohio Laws, Vol. 56, page 90,) of an act entitled "An act of the jurisdiction and procedure before justices of the peace and of the duties of constables in civil courts," to be so amended as to read as follows:

Sections amended.

Section 3. That no householder or freeholder resident of the county shall be held to answer any summons issued against him by a justice in a civil matter in any township of such county other than the one where he shall reside, except as otherwise provided by section two of this act and in the cases following:

Who to be sued in township of residence, except, etc.

First—Where there shall be no justice of the peace for the township in which the defendant may reside, or

Second—When the only justice residing therein is interested in the controversy, or

Third—Where he shall be related as father, father-in-law, son, son-in-law, brother, brother-in-law, guardian, ward, uncle, nephew or cousin, to either of the parties, and there is no justice in the township competent to try the cause in the foregoing excepted cases, the action may be brought before any justice of any adjoining township of the same county and the justice shall state on his docket the reason of his taking jurisdiction.

Fourth—Where the summons is accompanied with an order to attach property, the jurisdiction shall be co-extensive with the county.

Fifth—When two or more persons shall be jointly or jointly and severally bound in any debt or contract or otherwise jointly liable in the same action, and reside in different townships of the same county, the plaintiff may commence his action before a justice of the township in which any of the persons liable may reside, except that in joint actions against the makers and indorsers of notes, due bills or bills of exchange, the action shall be commenced in the township where one of the original makers, drawers, or indorsers, reside, and if it be claimed by the plaintiff that an indorser indorsed the note or bill at the time it was made, and the jurisdiction depends thereon, before the justice shall take jurisdiction, the plaintiff or some person for him shall file an affidavit setting forth the fact.

Sixth—In cases of trespass to real or personal property, it shall be lawful to bring the action in the township where the trespass was committed or in the township where the trespasser or any one of several trespassers resides.

Seventh—Where there is a promissory note made payable at a particular place containing a power of attorney duly executed in presence of a witness, authorizing the holder of such promissory note to appear by himself or attorney before any justice of the peace of the township where such promissory note is made payable, after the same shall become due and confess judgment in favor of the original payee for the amount due on such promissory note, then such promissory note may be sued and collected or judgment rendered thereon by confession, in the township where such place of payment is located, or in the township where such promisor or debtor resides, or either of said townships, at the option of the owner or holder of such promissory note. And in all cases where suit is brought under the provisions of this exception, the jurisdiction of the justice shall be co-extensive with the county.

Provided, before any such suit shall be brought on such judgment confessed, notice in writing shall be given by the holder of such note, to the maker at least five days prior to the rendition of such judgment, of the time and place where the holder will apply to enter such judgment, and proofs of such notice shall be made at the trial, and such maker may appear and make any legal defense to such note.

Jury may be
demanded of
twelve, un-
less, etc.

Section 75. In all civil actions after the appearance of the defendant and before the court shall proceed to inquire into the merits of the cause, either party may demand a jury to try the action which shall be composed of twelve good and lawful men having the qualification of electors, unless the parties shall agree on a less number.

How jury
made up.

Section 77. The justice shall write in a panel the names of twenty four persons, citizens of the township, or if the action be one in which the jurisdiction is not limited to the township then citizens of the county, from which the defendant, his agent or attorney shall strike one name, the plaintiff, his agent or attorney, one, and so alternately until each shall have stricken six names; and the remaining twelve

shall constitute [constitute] the jury to try such case, and if either party neglect or refuse to aid in striking the jury as aforesaid, the justice shall strike the same in behalf of such party.

Section 91. If on appeal by the plaintiff from a judgment in his favor he shall not recover a larger sum than one hundred dollars exclusive of interest since the rendition of the judgment before the justice, he shall be adjudged to pay all costs in the court of common pleas including a fee of five dollars to the defendant's attorney; and if the defendant shall demand a set-off or counter-claim, or both, greater than one hundred dollars, and he appeal from the judgment rendered in his favor and do not recover one hundred dollars, he shall in like manner pay all costs in the appellate court, including a like fee to plaintiff's attorney.

Who to pay costs on appeal.

When \$5 attorney fee to be paid.

Section 111. In all cases not otherwise specially provided by law, either party may appeal from the final judgment of any justice of the peace to the court of common pleas of the county where the judgment was rendered when such judgments, exclusive of costs amounts to not less than one hundred dollars.

Judgments for \$100 and more may be appealed from.

Section 123 Appeals in the following cases shall not be allowed:

In what cases appeals not allowed.

1. On judgment rendered on confession.
2. In jury trials where neither party in their bill of particulars claim a sum exceeding one hundred dollars, and the judgment exclusive of costs is less than one hundred dollars.
3. In the action for the forcible entry and detention or forcible detention of real property.
4. In trials for the right of property under the statutes, either levied upon by execution or attached.

Sections repealed.

SEC. 2. That said original sections 75, 77, 91 as amended, 111 and 123, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To provide for the appointment of trustees for minors, idiots, lunatics and imbeciles residing out of this state, and having property in the same, and for the repeal of certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That when any minor, idiot, lunatic or imbecile, residing out of this state, has any real estate, goods, chattels, rights, credits, moneys, or effects in this state, the court of common pleas, or probate court, of the county where*

How trustees are appointed.

such property or any part of it may be situate shall have power, whenever they consider it necessary, to appoint a trustee of such minor, idiot, lunatic or imbecile, to manage, collect, lease, and take care of such property.

SEC. 2. The appointment of a trustee, first lawfully made, shall extend to all the property and effects of the minor, idiot, lunatic or imbecile in this state, and shall exclude the jurisdiction of the court of common pleas and probate court of any other county.

To give bond.

SEC. 3. The said trustees shall give bond, payable to the state of Ohio, with such sureties and in such sums as shall be approved by the court, not less than double the value of all the property that will come into his hands, and shall take upon himself the care and management of the estate and property of such minor, idiot, lunatic or imbecile, situate in this state, and the collection of debts and other demands due such minor, idiot, lunatic or imbecile, from persons residing or being in this state, and shall settle with the court, and be liable to suit or removal for neglect or misconduct in the performance of his duties, in like manner as is or may be provided by law in respect to guardians of minors, and as is or may be provided by law for the settlement of the accounts of trustees.

May sell real estate in cases of minor.

SEC. 4. The said trustees may sell the real estate of such minor, idiot, lunatic or imbecile, under the same rules and limitations as are now or may be provided by law for the sale of real estate by guardians of minors in this state.

Trustee to hold appointment until minor comes of age.

SEC. 5. The said trustee shall, unless removed by the court, hold his appointment until such minor arrives at the age of majority, whether such minor be under twelve, or over fourteen years of age at the time of such appointment, or until the disability of such idiot, lunatic or imbecile shall be removed.

Moneys paid to foreign guardians in certain case.

SEC. 6. All moneys due to such minor, idiot, lunatic or imbecile, in the hands of such trustee, shall, during the minority of such minor, or during the disability of such idiot, lunatic or imbecile, be paid over to the foreign guardian of such minor, idiot, lunatic or imbecile, or in case of the decease of such minor during his or her minority, or of such idiot, lunatic or imbecile during his or her disability, to the administrator or other legal representative of such minor, idiot, lunatic or imbecile; provided, that the court which appointed such trustee shall have satisfactory proof, as provided in section seven of this act, of the authority of such guardian, or administrator, or other legal representative to receive the moneys or estates of such minor, idiot, lunatic or imbecile, and that the security given by such guardian, or administrator or other legal representative, is sufficient to protect the interest of such minor, idiot, lunatic or imbecile, or his or her estate, and shall moreover deem it best for the minor, idiot, lunatic or imbecile, or his or her estate.

How foreign guardian, etc., may collect money.

SEC. 7. When any foreign guardian, administrator, or other legal representative of such minor, idiot, lunatic or imbecile shall apply to have all or any of the moneys or property in the hands of such trustee paid or delivered over to

him, he shall file his petition, or motion, to that effect in the court by which such trustee was appointed, giving such trustee thirty days notice of the time of hearing thereon, and he shall also produce an exemplification from under the seal of the office (if there be a seal) of the proper court of the state of his residence, containing all the entries on record in relation to his appointment, giving bond, etc., and authenticated as required by the act of congress in such cases; and upon the hearing thereof, the court shall make such order, as under all the circumstances, it shall deem for the best interests of such minors, idiot, lunatic or imbecile, on his or her estate.

SEC. 8. When any money of such minor, idiot, lunatic or imbecile may be in the hands of such trustee, and not likely to be needed for the support and education of such minor, idiot, lunatic or imbecile, said trustee shall loan the same in the same manner as guardians by the laws of this state are required to loan the moneys of their wards.

SEC. 9. The provisions of the act entitled "an act to provide for the settlement of the accounts of trustees," passed April 2, 1873, shall apply to the settlement of the accounts of trustees appointed under this act.

SEC. 10. That the act entitled "an act to provide for the appointment of trustees to minors residing out of this state and having property in the same," passed March 19, 1849, (S. & C. 679); the act entitled "an act supplementary to and to amend an act entitled 'an act to provide for the appointment of trustees to minors residing out of this state and having property in the same,' passed March 19, 1849, passed April 23, 1862, (S. & S., 385); and the act entitled an act to amend section four of an act to provide for the appointment of trustees to minors who reside out of this state," passed March 29, 1867, (S. & S., 385), be and the same are hereby repealed; provided, that no rights acquired thereunder shall be affected or impaired by this repeal.

SEC. 11. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

Trustee may
loan money
in certain
case.

How ac-
counts of
trustees set-
tled.

AN ACT

To authorize the purchase of certain grounds therein named, for the use of the Soldiers' and Sailors' Orphans' Home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor, treasurer of state and attorney general, be and they are hereby authorized and directed to purchase for the state of Ohio, and for the use of

Governor,
treasurer of
state and at-
torney gen-
eral authoriz-

ed to purchase land for soldiers' and sailors' orphans' home.

Appropriation of money.

the Ohio soldiers' and sailors' orphans' home, of Alfred Trader and Daniel McMillen, trustees of the creditors of the late firm of Pelham & Carey, a certain tract of land in Greene county, and state of Ohio, and adjoining the soldiers' and sailors' orphans' home on the south, containing one hundred and fifty-two acres, provided the same can be purchased for any sum not exceeding ninety dollars per acre.

SEC. 2. That there is hereby appropriated out of any money now in the treasury, or that may hereafter come into the treasury, and not otherwise appropriated, the sum of thirteen thousand six hundred and eighty dollars, for the payment of the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section 598 of the act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869. (Vol. 66, O. L., p. 250.)

Remedy for neglect of commissioners to keep roads in repair.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five hundred and ninety-eight of the act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, be and the same is hereby amended so as to read as follows:

Section 598. If a municipal corporation shall condemn any portion of a turnpike or plank road, and fail to keep the portion so condemned in as good condition and repair as is required by the charter of the company, the directors of the company may, by writ of mandamus, compel the corporation to perform that duty. And if any city has heretofore extended, or shall hereafter extend its limits so as to include therein a portion of any turnpike road, without purchasing or condemning the same, the city council of such city shall, within six months after the mayor of such city shall have been notified in writing that such company demands compensation therefor, proceed in the manner prescribed in chapter forty-seven of this act, to cause such portion of such turnpike road to be condemned for street purposes, and on failure of such city council so to proceed, the president of such turnpike company, if authorized by the directors thereof, may file an application in the court of common pleas of the proper county, setting forth the facts aforesaid, and asking that the value of such portion of such turnpike may be assessed by a jury, and said cause shall be conducted to final judgment in

the manner provided in said chapter forty seven, so far as the same is applicable, and such city shall pay the compensation awarded by the jury, with interest and the costs in such proceeding, within one year after the date of the rendition of the verdict, and when the compensation awarded has been paid, the title to such portion of such turnpike shall vest in the city; and for the purpose of providing means to pay for the same, the city council of any city of the second class, having at the last federal census more than thirty thousand inhabitants, may levy a tax in addition to the amount now limited by law.

SEC. 2. Said original section 598 is hereby repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To restrain Vagrancy and Common Begging.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any male person physically able to perform manual labor, and to whom labor at reasonable prices has been offered and refused, or who has not made reasonable effort to procure employment, shall be found in a state of vagrancy or practicing common begging, he shall, on conviction thereof, be fined in any sum not exceeding fifty dollars, and be sentenced to hard labor in the jail of the county, for which labor they shall receive credit, at the rate of seventy-five cents per day, until said fine and costs of prosecution, and accruing costs, shall be paid.

Vagrants,
how punish-
ed.

SEC. 2. The commissioners of the several counties are hereby authorized to provide for carrying the provisions of the foregoing section into effect, for which purpose they may, by order entered upon their journals, declare that the jail shall extend to and include the lands of the proper county, and every form and kind of labor commonly performed therein by male persons.

Powers of
commission-
ers of county
in relation to
jail bounds.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section one of an act entitled "An act to create a lien in favor of mechanics and others in certain cases," passed March 11, 1843 (S. & C., 833); also, to amend section one of an act amendatory and supplementary thereto, passed May 1, 1871. (O. L., Vol. 68, p. 107.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above named act of March 11, 1843, be so amended as to read as follows:

**Mechanic's
lien to ex-
tend to prop-
erty when
removed.**

Section 1. That any person who shall perform labor, or furnish material or machinery for constructing, altering or repairing any boat, vessel or other watercraft, or for erecting, repairing, removing, raising or lowering any house, mill, manufactory, or other building or appurtenance, or any portion thereof, by virtue of a contract or agreement with the owner thereof, shall have a lien, to secure the payment of the same, upon such boat, vessel or other watercraft, and upon such house, mill, manufactory or other building or appurtenance, and the lot of land on which the same shall stand, or be removed to.

SEC. 2. That section one of said amendatory and supplementary act of May 1, 1871, be so amended as to read as follows:

**Filing of ac-
count for
labor, etc.**

Section 1. That any mechanic or other person, doing or performing any work toward the erection, construction, alteration, removal, raising, lowering or repairing of any house, mill, distillery, bridge, manufactory, fixture, road, turnpike, street, sewer, ditch, railroad or other structure, building or apparatus, or any boat, vessel or other watercraft, erected, constructed, altered or repaired under a contract between the owner thereof, or the board, company or corporation first authorizing or contracting for said work, and the builder or other person, whether such work shall be done as journeyman, laborer, carman, sub contractor, or otherwise, or any person who shall furnish materials for the construction, alteration, repair or removal of any such building, structure, fixture or vessel, whose demands for work so done, or materials so furnished, have not been paid and satisfied, may deliver to or file with such owner, board, corporation or company, or the secretary, clerk or agent thereof, an attested account of the amount and value of the work and labor thus performed or materials furnished and remaining unpaid; and thereupon such owner, board, corporation or company shall retain, out of his or its subsequent payments to the contractor, the amount of such work and labor or material, for the benefit of the person so performing or furnishing the same.

SEC. 3. That section one of said original act of March 11, 1843, and section one of said amendatory and supplementary act of May 1, 1871, be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section seven of "An act to provide for the collection of claims against steamboats and other water crafts, and authorizing proceedings against the same by name." (S. & C., p. 255.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the above mentioned act be amended so as to read as follows:

Section 7. Justices of the peace, within their respective counties, shall have jurisdiction under this act when the amount claimed shall not exceed three hundred dollars, and shall proceed as near as may be according to the rules prescribed herein for the other courts.

Justices to have jurisdiction when claim less than \$300.

SEC. 2. That section seven of the above mentioned act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
 ALPHONSO HART,
President of the Senate..

Passed March 30, 1875.

AN ACT

To define and establish the practice in trials for the contesting of Wills.

Who has opening and closing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all trials and proceedings for the contesting of wills, that party who would, under the pleadings in the case, be defeated, if no testimony were offered, shall first introduce his, her or their testimony, and shall be entitled to the opening and closing argument in the case; Provided, always, that upon such trial rebutting testimony may be introduced, as provided for in other cases by the code of civil procedure.

Rebutting testimony may be introduced.

SEC. 2. This act to take effect and be in full force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

Supplementary to an act entitled "An act to more effectually provide for locating, establishing and constructing Ditches, Drains and Water Courses in townships, and to repeal certain acts therein named."

Power of
trustees
where
records, etc.
are lost.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where the records, proceedings or papers pertaining to any "ditch, drain or water course," under the provisions of this act, to which this is supplementary, have in any way been lost or destroyed, it shall be the duty of the trustees to re-establish said ditch on the original route, and determine the depth, width and flare, and divide the same into suitable sections, and apportion the same as provided in section nine of the act to which this is supplementary, and make a full record of such proceedings, and the record thus made shall thereafter be deemed conclusive evidence of the original capacity and apportionment of said ditch.

SEC. 3 [2]. This act shall take effect from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section six hundred and two of an act passed May 7, 1869, and took effect July 1, 1869, entitled "An act to provide for the organization and government of municipal corporations," as amended April 18, 1870. (O. L., Vol. 67, page-82).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six hundred and two, as amended April 18, 1870, of the above recited act, be and the same is hereby so amended as to read as follows:

Relative to
sewerage,
drainage,
etc.

Section 602. Whenever it may become necessary, in the opinion of the council of any city or incorporated village, to provide a system of sewerage and drainage for such city or incorporated village or any part or parts thereof, it shall be

the duty of the board of improvements to devise and form, or cause to be devised and formed, a plan of sewerage and drainage for the whole city or incorporated village or such part or parts thereof as may be designated by the council; Provided, that in all cities of the first class having a population exceeding one hundred thousand inhabitants by the federal census of 1860, and in all other cities where the council may by ordinance so declare the construction, maintenance and cleaning of the sewers shall be under the care of a board, to be called the "commissioners of sewers," who shall appoint an engineer and such other employes as they may deem necessary; the compensation of said engineer and employes to be fixed by the council; said board shall have all the powers and perform all the duties now required of the board of improvements as provided in this chapter or elsewhere in this act in respect to sewers, drains and ditches; and the said engineer appointed by said board shall have all the powers and perform all the duties provided for the city engineer in this chapter, or elsewhere in this act in respect to sewers, drains and ditches; such board shall consist of five members appointed by the mayor, subject to the confirmation of the council, who shall be appointed, one for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one shall be appointed each year, to serve for a term of five years, and they shall serve without compensation; Provided, further, that in any city of the second class or incorporated village, in which the council shall fail to establish or shall abolish a board of improvements, the council of such city or incorporated village shall perform all the duties required of said board by this act.

Commission-
ers of sewers.

SEC. 2. That said section six hundred and two as so amended be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section one of an act, entitled "An act to amend section one of an act to fix the compensation of county commissioners," passed March 10, 1859, as amended May 1, 1862, and to repeal a certain act passed April 8, 1865, as amended April 29, 1872, (O. L., pages 181 and 182).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act be so amended as to read as follows :

Compensation of county commissioners.

Section 1. That each county commissioner shall be allowed three dollars for each and every day that he may be employed in his official duties, and five cents per mile for his necessary travel for each regular or called session, not exceeding one session each month or twelve sessions in any one year to be paid out of the county treasury, on the warrant of the county auditor, except in counties in which by the last federal census the population amounted to one hundred thousand dollars [inhabitants] or upwards, in which counties each commissioner shall be allowed four dollars per day for his services not to exceed six days in each week; each commissioner for his services when necessarily engaged in attending to the business of the county pertaining to his office under the direction of the board, other than in attending regular or called sessions of the board of commissioners shall be allowed the same per diem as is provided by this act for attendance upon sessions of the board, and when necessary to travel on official business out of his county, shall be allowed in addition thereto his reasonable and necessary expense actually paid in the discharge of his official duty; and each commissioner shall present an itemized statement of his account for per diem, mileage services and expenses as aforesaid which before it is allowed by a full board shall be certified to by the prosecuting attorney of the county, and approved by the probate judge thereof.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section six of an act, entitled "An act to restrain from running at large, certain animals therein named," (S. & S., page 8).

Animals may be taken up as estrays.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six of the above recited act be so amended as to read as follows:

Section 6. That any person finding any animals mentioned in this act at large contrary to its provisions, may; and any constable of any township, or marshal or constable of any city or incorporated village, on view or information, shall take up and confine the same forthwith, giving notice thereof to the owner, if known, and if not known, by posting notices describing such animals therein, in at least three public places within the township; and if the owner does not appear and claim his property, and pay all charges for taking

up, advertising and keeping the same within ten days from the date of said notice, the said animals may be proceeded with under the laws then in force regulating estrays; Provided, that the mere act of any such animal running at large in or upon any of the places mentioned in the first section of this act, shall be prima facie evidence that such animals are so running at large, contrary to the provisions of this act, but if it shall prove that such animal so running at large had escaped from the owner, owners, keeper or keepers thereof without his, her or their knowledge or fault, then such animal or animals shall be given up to the owner, owners, keeper or keepers upon payment of a reasonable compensation for taking up and keeping the same.

Animals escaping without knowledge or power of owners

SEC. 2. That section six of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

Authorizing the payment of certain unpaid balance to Dr. C. R. Greenleaf, late Assistant Surgeon, 5th Ohio Volunteer Infantry.

WHEREAS, Dr. Charles R. Greenleaf was duly appointed assistant surgeon in the fifth Ohio volunteer infantry, April 19, 1861, and duly served as such from that time until May 9th, 1861, when he was mustered into the United States service, and by a mistake of the law of the case by the officers of the fifth Ohio volunteers, said Greenleaf has not been paid, and is entitled by law to pay from the state of Ohio for twenty-one days' services; therefore,

Auditor of state to issue warrant for amount.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby authorized and empowered to draw his warrant, payable to Charles R. Greenleaf, for the sum of seventy-eight dollars, which is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund not otherwise especially appropriated, in payment of said claim, principal and interest.

SEC. 2. This act shall take effect from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To amend an act entitled "An act to provide for the keeping in repair of gravel or macadamized roads heretofore or hereafter constructed under the laws of Ohio, and to authorize county commissioners to convert such of said roads as charge and receive toll into free roads," passed May 7, 1869. (66 O. L., 131.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eighteen of the above named act be amended so as to read as follows:

Certificates
of stock to
be issued.

Section 18. After the organization of said corporation, the president and secretary of the company shall issue certificates of stock to each landholder for the number of shares of the stock of the sum which may be designated by the directors and fractions of a share, as shall amount to the sum which his lands have been assessed, and he has already paid for making said improvement; and they shall also, from time to time, after the assessment on each landholder each year is paid, issue like certificates for the amount of the assessments so paid; provided, however, that any person whose lands have been assessed, and whose assessments have been paid, may at any time after the organization of such company, become a stockholder therein by producing and exhibiting to the secretary of the company the certificate of the auditor and treasurer of the county, showing the amount of the assessment of the lands of such person for the said improvement and that the same has been paid, and thereupon the president and secretary shall issue certificates of stock to such person for the amount so paid.

SEC. 2. Said original section eighteen is hereby repealed, and this act shall take effect from its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section five hundred and fifteen of the Code of Civil Procedure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and fifteen of "An act to establish a code of civil procedure," passed May 11, 1853, be so amended as to read as follows:

Proceedings
to obtain re-
versal or
modification.

Section 515. The proceedings to obtain such reversal, vacation or modification, shall be by petition, to be entitled "petition in error," filed in a court having power to make such reversal, vacation or modification, setting forth the

errors complained of, and thereupon a summons shall issue and be served, or publication made as in the commencement of an action. A service on the attorney of record in the original case shall be sufficient. The summons shall notify the adverse party that a petition in error has been filed in a certain case, naming it, and shall be made returnable on, or before the first day of the term of the court, if issued in vacation; if issued in term time, it shall be returnable on a day therein named; if the last publication or service of the summons shall be made ten days before the end of the term, the case shall stand for hearing at that term; Provided that the supreme court, on hearing of a motion for leave to file a petition in error, whereof ten days' personal notice has been given to the adverse party or his attorney, may in its discretion, at the time of granting such leave, if error, for which the judgment or final order should be reversed, vacated or modified, plainly appear on the record and all the judges sitting at the hearing concur therein, enter a judgment of reversal, vacation or modification, without the issuing or service of a summons in error.

SEC. 2. The original section five hundred and fifteen is hereby repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To provide for the leasing and releasing of certain lands in Athens county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of township eleven, range fourteen, Ohio Company's purchase in Trimble township, Athens county, Ohio, shall, immediately after the passage of this act, whenever any lease of any school land in section numbered sixteen, or in ministerial section number twenty-nine, in said Trimble township, shall terminate and expire by its terms, appoint three disinterested freeholders of the county, not residents of or owning land in said township, whose duty it shall be, within ten days after such appointment to appraise under oath the lands and premises described in such lease or leases so expired, and shall file their appraisement, signed by them, in the office of the clerk of such township and thereafter the said trustees shall, at a time and place to be by them fixed, and of which notice shall be given by posting five notices in as many public places in said township, not less than ten nor more than fifteen days prior to such leasing, proceed to re-lease, to the highest and best bidder, such land for a term of seven years from the first day of

Freeholders
to be ap-
pointed to
re-appraise
lands when
leases ex-
pire.

Former les-
see to have
preference.

March next following the expiration of such former lease or leases, but at not less than five per cent. annually upon the appraised value of said land; but if any former lessee shall bid for a new term six per cent. per annum upon the said appraised value, then such former lessee shall have preference over all other bidders for the land covered by his former lease, if such former lessee shall have fully complied with all the terms of his or her former lease, and shall not be in arrears for rent.

Lands to be
appraised
every seven
years.

SEC. 2. And the trustees aforesaid are hereby required, at the end of every seven years after such leasing, under this act, to have said lands re-appraised as provided for in section one of this act, without reference to any improvement that may have been made thereon, save only such as may have been made in payment of rent thereon, and shall re-let the same to the former lessees, their heirs or assigns upon the said lessee, or his or her heirs or assigns bidding to pay six per cent. per annum rent upon the new appraisement in this section provided for; and if such lessee, or his or her heirs or assigns, shall neglect or refuse to bid such price, then such trustees shall re-let the same to the highest bidder, but at not less than five per cent. annually upon the appraised value of such land.

Compensa-
tion of ap-
praisers.

SEC. 3. The appraisers provided for in this act shall be paid like compensation as is provided by law to be paid to commissioners in proceedings for partition of real estate, out of the treasury of the township, by order of the trustees.

SEC. 4. The township clerk, or any justice of the peace or notary public, shall have power to administer oaths to such appraisers.

SEC. 5. This act shall be in force from and after its passage.

GEORGE L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

Supplementary to the act entitled an act to provide for the settlement of the estates of deceased persons.

Time when
exceptions
to inventory
are to be
filed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That upon the return into court by an executor or administrator of any inventory of the goods, chattels, moneys, rights and credits, of the deceased, as provided in section 28 of the act to which this is supplementary, it shall be lawful for any person interested in said estate, at any time within twelve months after the return of said inventory into court, to file exceptions to the same; and upon the filing of such exceptions, it shall be the duty of the probate judge to set a day for the hearing of said exceptions, and cause the said executor or administrator to be notified thereof not less

than five nor more than ten days before the day so set for said hearing, and said hearing may, for good cause shown, be continued for such time as may be reasonable; and upon the hearing of said exceptions said executor or administrator may be examined, under oath, touching the same.

Day to be set for hearing.

SEC. 2. That said probate judge shall issue subpoenas for such other witness or witnesses as may be required by either party, who shall be sworn or affirmed and examined touching the matter of said exceptions.

SEC. 3. That if upon such hearing it shall appear to the satisfaction of said probate judge that said executor or administrator has intentionally and wilfully omitted to return in said inventory any of the assets of said estate, it shall be deemed and held to be cause for the removal of said executor or administrator from his trust, and he shall be thereupon removed.

Omitting assets intentionally cause for removal of administrator.

SEC. 4. That if it shall appear upon such hearing that there are unsettled claims and demands existing between said executor or administrator and the estate represented by him, which, in the opinion of the court, may be the subject of controversy and litigation between said executor or administrator and those interested in said estate, said probate judge may, in his discretion, remove said executor or administrator, and appoint in his place some other judicious disinterested person.

Executor may be removed.

SEC. 5. That the probate judge shall have power to tax the costs in the proceedings herein provided for, as justice may require.

SEC. 6. That this act shall apply to all inventories filed within twelve months prior to its passage, as well as those filed thereafter, and this act shall take effect from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the building and maintenance of certain bridges across the Mad River Feeder of the Miami and Erie canal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the second class containing more than thirty thousand inhabitants, and located in a county having a superior court may, until otherwise provided by the general assembly, maintain a bridge of a permanent character across the Mad River feeder of the Miami and Erie canal at its intersection with Third street, in the city of Dayton, similar to the bridge now located at said point, and

Certain cities authorized to build bridges over feeder.

Lessees of
canals to
give con-
sent.

may also build and maintain a bridge of like character to connect Bainbridge street with said Third street bridge.

SEC. 2. Whenever the general assembly shall so direct either or both of said bridges shall be removed by the city building the same without expense to the state, and said bridge at Bainbridge street shall not be built until the lessees of the public works shall have executed and filed in the office of the board of public works a written agreement that said bridge may be so built and maintained as hereinbefore provided, and relinquishing all claim for damages on their part by reason thereof.

SEC. 3. This act shall take effect on its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To amend section one as amended April 9, 1873, (Vol. 70, O. L., p. 116,) and to amend section four of an act entitled an act for the protection of fish in the rivers, streams, creeks, lakes, ponds and reservoirs of the state, and for the repeal of an act therein named, passed March 8, 1871. (Vol. 68, O. L., p. 41.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act as amended be so [amended] as to read as follows:

Unlawful
mode of
taking fish.

Section 1. That it shall be unlawful for any person or persons to shoot fish, or to kill or stun fish under the ice by concussion, or by striking on the ice or on stones at any time, or to spear fish through the ice, or to spear or shoot fish between the first day of May and the first day of September, or to put in, keep up, or draw or use any fish net, fish seine or fish pound, for the purpose of catching fish in any of the rivers, creeks or streams within this state, at any point or place therein, above the common level at high or backwater of Lake Erie or Ohio river, or in the waters of any lake, pond or reservoir having a surface not exceeding eighteen thousand nor less than ten acres, lying wholly within this state, whether the same be a natural or artificial lake, pond or reservoir, except as provided in section four of this act.

SEC. 2. That section four of said act be so amended so as to read as follows:

Construction
of terms.

Section 4. That the words fish net, fish seine and fish pound, shall be held and construed to include all modes of catching fish in said rivers, streams, creeks, lakes, ponds or reservoirs, by any trap or devise, other than hook and line, of whatever material constructed; provided, that this act shall not extend to or include dip nets or other nets, not ex-

ceeding ten feet in length, used for the purpose of catching minnows.

SEC. 3. That sections one and four of said acts be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To require the trustees of institutions of learning to collect certain rents.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of any institution of learning, holding leasehold lands and having authority under the laws of the state, to demand a yearly rent on such lands, and the tenements erected thereon, not exceeding the amount of the tax imposed on property of like description by the state, said rent being in addition to a yearly rent at six per centum on the appraised valuation of said lands and tenements, are hereby required to demand and collect said rents for the support of said institution.

Rents of land belonging to institutions of learning be collected by trustees.

SEC. 2. This act shall take effect from and after the first day of July, eighteen hundred and seventy-five.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

Granting to guardians of the estates of minors authority to lease such estates beyond the term of the majority of such minors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the guardian of the estate of any minor, or of the person of such minor, may be authorized by the probate courts to lease, with or without the privilege of purchase at an equal price, any real estate of his ward, for a period not exceeding fifteen years, notwithstanding a portion of such term may extend beyond the period of the majority of such ward; and if the lease extend beyond the minority

Guardian of minor heirs allowed to lease lands beyond time of minority.

of such ward, it shall terminate with his minority unless he shall affirm it, and in case it terminates with his minority and the lessee shall not desire to purchase, if that privilege shall have been granted in the terms of the original lease, a reasonable compensation shall be paid for such valuable improvements as may have been erected for the lessees upon the land of such ward, and such compensation shall be determined by two disinterested freeholders, one to be chosen by each of the parties; and if the referees so appointed shall fail to agree, they shall select a third freeholder, and a majority of these three shall decide the amount of said compensation.

Authority to
make lease.

SEC. 2. The application for authority to make such lease shall be by petition, which shall set forth the reason for such lease, the terms of the proposed lease, and the parties thereto; and upon such petition being filed, the court shall order the petitioner to give notice to his ward or wards, who shall be defendant to the petition, of the filing and demand thereof, and the time when the same will be heard, in such manner as to the court shall seem reasonable and proper; and upon the hearing thereof, said court may grant the prayer of the petition and authorize the execution of the lease, or may refuse the same, as the court shall think most conducive to the interest of the ward or wards.

SEC. 3. "An act to authorize guardians to lease the real estate of their ward or wards in certain cases," passed February 20, 1865, be and the same is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To empower and authorize township trustees to make and enforce health regulations in reference to small-pox or any infectious or loathsome disease.

On com-
plaint of in-
fectious dis-
ease town-
ship clerk to
call meeting
of trustees.

Restrained
from visiting
where dis-
ease exists.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when complaint is made to the clerk of any township, or a reasonable belief exists that the small-pox or any other infectious or loathsome disease prevails in any locality or house in any township not situated within the limits of any city or incorporated village, it shall be the duty of said clerk to call a meeting of the board of trustees of the township, and said board if satisfied after investigation that such action is necessary, shall restrain all persons except physicians and necessary attendants from visiting or frequenting such house or locality until the danger of infection

or contagion from said house or locality has ceased; and they shall cause a copy of said order to be posted up in at least three of the most public places in said township.

SEC. 2. That the board of trustees shall have power to make and enforce all necessary health regulations to prevent the spread of small-pox or any other loathsome disease within the township; and any person violating such order or health regulation after the same has been published or posted up as provided in the first section of this act, shall be liable to a penalty of not less than three nor more than ten dollars and costs, to be recovered by said board of trustees in an action before any justice of the peace in said township; said penalties when collected to be paid to the township treasurer for school purposes.

Board of health to make regulations to prevent spread of disease.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

Providing for the recording, printing and distributing the journals of the General Assembly, and the laws and public documents, and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the clerk of each house shall keep a journal of the proceedings thereof, which shall be read and corrected in the presence of the house. After being read and corrected, the proceedings of each day shall be attested by the respective clerks, and each journal shall be recorded in a book to be furnished to each clerk for that purpose by the secretary of state. After the journals are recorded in these books, said books shall be deposited with the secretary of state, who shall carefully preserve the same; and said records shall be considered the true and authentic journals. The original daily journals, as kept, corrected and attested, shall be delivered by the respective clerks to the printer of the journals, for his use in printing the same; and each clerk shall read and correct the proof-sheets of the journal kept by himself, carefully comparing the printed copies with the record above provided for, and correcting all errors in such printed copies.

How journals of General Assembly made up.

SEC. 2. No executive message, address or communication of any state officer, or board of officers, no report of the superintendent or other officers of any institution or building, no petition or memorial, no argumentative or voluminous

What they shall not contain.

report of any standing or select committee of either house, or joint committee of both houses, no special report of any officer, or board of officers, made in reply to any resolution of either house, or in reply to any joint resolution of both houses, nor any other long or voluminous document, except amendments to the constitution and to bills and resolutions, and the protests of members of either house against any act or resolution thereof, shall be entered upon the journals or recorded in the record provided for in the foregoing section.

Appendix to
journal—
what it shall
contain.

SEC. 3. The journals shall be printed as kept and recorded, and to each printed journal there shall be an appendix, in which shall be printed all such petitions and memorials, and all such reports of committees, and all such special reports, and communications of all officers or boards of officers as may be laid before either or both houses, and all such other papers and documents, (except the report of the state board of agriculture,) as may be laid before either or both houses in writing, unless the printing thereof is otherwise provided for in this act; Provided, that no paper or document shall be printed in either appendix, unless the house before which such paper or document shall be laid shall expressly order the same to be printed in the appendix of the journal of such house; and if any paper or document be laid before both houses, and be ordered to be printed by both houses, the same shall be printed only in the appendix of the senate journal. The abstract of votes for governor and other state officers shall be printed in the appendix to the senate journal, and the standing rules in the appendix to each journal, without any order by either or both houses.

Duty of clerk
in relation to
printing doc-
uments.

SEC. 4. Each clerk shall carefully preserve, during the session, all such papers and documents as may be laid before the house of which he is clerk; and such of them as may be ordered by such house to be printed, he shall forthwith deliver to the printer for his use in printing the same; and the printer shall immediately print two hundred and forty copies of the same, of which number each of the executive officers shall receive one, and the librarian five, which he shall preserve. No extra copies of any such paper or document shall be printed, except the same be ordered by joint resolution, passed within ten days of the day on which the two hundred and forty copies of the same are printed and delivered to the clerks; and if extra copies be so ordered the printer shall print the same without any charge for composition for such extra copies. Each clerk shall keep a correct list of all papers and documents of which extra copies shall be ordered to be printed; and also of all such as may be ordered to be printed in the appendix to the journal of the house of which he is clerk, and shall furnish the printer with copies of such lists whenever requested by the printer so to do; and if any such paper or document be ordered to be printed in the appendix to either journal before the same is delivered to the printer, the clerk having charge of the same shall indorse upon it before sending it to the printer, these words, "ordered to be printed in appendix;" and if any such paper or document be ordered to be printed in either

appendix within ten days after the same has been printed for the use of the general assembly, then no charge for composition shall be made for printing the same in the appendix.

SEC. 5. The clerks shall correct the proofs of all such papers and documents as may be ordered by either house to be printed. The clerks shall each make out a correct index of the journal kept by himself, and also of its appendix, and deliver the same to the printer, who shall print the same at the close of the appropriate volume. They shall each in like manner make out an index to the recorded journals and deliver the same to the secretary of state, who shall preserve the same with such recorded journals.

Clerks to correct proofs and make out index.

SEC. 6. All county, township, city and village officers, and all officers and boards of officers of all state institutions, and buildings, and all officers connected with the public works of the state, and all corporations (except such as by their charters are required to make their reports at some other specified time,) which are now, or may hereafter be required by law to make annual reports for any purpose to any state officer or officers, shall make out the same on or before the fifth day of November of each year, and forthwith transmit the same to the proper officer or officers. For the purpose of making out all such reports as come within the provisions of this section, the year shall begin on the first day of November of each year, and end on the last day of October of each succeeding year. Provided, that the school year shall begin on the first day of September annually, and close on the last day of the following August; and all school officers and township officers acting as such, who are or may be required to make annual reports to the county auditor, shall make out the same and transmit them to the county auditor on or before the first day of October following the expiration of the school year.

Certain annual reports to be made out by fifth of November.

SEC. 7. All state officers and boards of officers, and the officers of all such institutions and buildings as are now or may hereafter be required to make annual reports to the general assembly, or to the governor, shall hereafter make such reports to the governor on or before the twentieth day of November of each year; and the governor shall cause the same to be printed as soon thereafter as practicable by the printer having the contract for this branch of the public printing; and the governor shall lay before the general assembly all such reports in printed form at the same time that he lays before it his regular message. But nothing in this section or in this act shall be held to modify in any respect the existing laws in relation to the annual report of the state board of agriculture.

State officers to make annual reports on 20th of November.

SEC. 8. There shall be printed under the preceding sections of this act in pamphlet form, the following number of each of the following annual reports, to-wit: auditor of state, including detailed statement of the receipts and disbursements, for the auditor, three hundred copies; for the general assembly, two thousand copies; secretary of state, including report of statistics, for the secretary, five hundred copies; for the general assembly, five thousand copies; treasurer of

Number of reports and how published.

state, for the treasurer, three hundred copies; for the general assembly, six hundred copies; comptroller of the treasury, for the comptroller, two hundred copies; for the general assembly, six hundred copies; sinking fund commissioners, for the commissioners, two hundred copies; for the general assembly, six hundred copies; attorney general, for the attorney [general], two hundred copies; for the general assembly, six hundred copies; commissioners of common schools, for the commissioner, eighteen hundred copies; for the general assembly, six hundred copies; commissioners of state library, for the commissioners, five hundred copies; for the general assembly, six hundred copies; superintendent of state house, for superintendent, two hundred copies; for the general assembly, six hundred copies; supervisor of public printing, for the supervisor, two hundred copies; for the general assembly, six hundred copies; adjutant general, for the adjutant [general], two hundred copies; for the general assembly, six hundred copies; board of public works, for the board, three hundred copies; for the general assembly, six hundred copies; warden and trustees of penitentiary, for the warden and trustees, one thousand copies; for the general assembly, one thousand copies; institution for the deaf and dumb, for the institution, one thousand copies; for the general assembly, one thousand copies; institution for the blind, for the institution, five hundred copies, for the general assembly, one thousand copies; central Ohio hospital for the insane, for the superintendent, eight hundred copies; for the general assembly, eight hundred copies; for the hospitals for the insane at Athens and Dayton and Newburgh, and Longview asylum at Cincinnati, of each, for the superintendents, eight hundred copies; for the general assembly, eight hundred copies; commissioners of reform school for boys, for the commissioners, one thousand copies; for the general assembly, fifteen hundred copies; asylum for idiotic and imbecile youth, for the asylum, fifteen hundred [copies]; for the general assembly, one thousand copies; reform school for girls, for the superintendent, five hundred copies; for the general assembly, six hundred copies; board of state charities, for the board, two thousand copies; for the general assembly, one thousand copies; gas commissioner, for the commissioner, five hundred copies; for the general assembly, six hundred copies; commissioner of immigration, for the commissioner, five hundred copies; for the general assembly, six hundred copies; soldiers' orphans' home, for the board of managers, one thousand copies; for the general assembly, one thousand copies; Ohio agricultural and mechanical college, for trustees and officers, five hundred copies; for the general assembly, one thousand copies; inspector of mines, for the inspector, five hundred copies; for the general assembly, two thousand copies. Of each of the foregoing, one hundred copies in addition to the state library and executive officers. The eighteen hundred copies of the report of the school commissioner allowed to the commissioner, to be distributed by him to the school boards of education, special school boards, boards of school directors, and county officers who have du-

ties to discharge under the school laws. Three hundred copies of the report of the auditor of state and his statement of receipts and disbursements to be bound together in cloth. All other reports above mentioned to be bound in brochure covers.

SEC. 9. All regular messages of the governor, and all inaugural addresses of the governor elect, shall be printed in pamphlet form, and there shall be printed in such form for the governor delivering such messages or addresses five hundred copies thereof, and for the general assembly two thousand copies, without any order by either or both houses for the printing thereof; and the clerks shall deliver such messages and addresses to the printer forthwith after the delivery thereof, and the clerks shall read the proof-sheets of the same and see that they are printed correctly.

Messages and inaugural addresses of governor.

SEC. 10. At the same time that the documents mentioned in sections eight and nine are printed in pamphlet form, there shall be printed on the same type on which said pamphlet forms of said documents shall be printed, twenty-eight hundred copies of each document named, in a volume or volumes pagged consecutively, with running heads, designating each report, to be styled "executive documents," to be bound in half law binding. The supervisor of printing shall make out an index to be printed at the commencement or close of each volume. There shall be no charge for composition for printing the two thousand eight hundred copies of said "executive documents," except for the index and title page.

Executive documents.

SEC. 11. There shall be printed twenty-seven thousand copies of the laws and joint resolutions; and all the laws, general and local and joint resolutions, shall be printed in one volume. Three thousand copies shall be printed in forms of sixteen pages as soon as practicable after enactment; ten copies of which shall be delivered promptly to each member of the general assembly, and the balance sent by the secretary of state pro rata, to the auditors of the several counties. The remainder (twenty four thousand) shall be bound in half law binding, and distributed as provided in this act.

Laws and joint resolutions.

SEC. 12. Each member and officer of the general assembly for himself, and each clerk of each court of record, and each county auditor for the use of their office respectively, shall be entitled to one copy of each journal and appendix, and the volume of executive documents; each township clerk, for the use of the people of his township; each university, college, academy or other literary institution which now is or may hereafter be established in this state; each county agricultural society; each county council, patrons of husbandry, and the national asylum for disabled volunteer soldiers near Dayton, and the soldiers' and sailors' orphans' home at Xenia, and every other benevolent and e eemosynsary institution of the state of Ohio, shall be entitled to receive from the county auditor one copy of the laws passed at each session of the general assembly, and also to one copy of each journal and appendix, one copy of executive documents, one copy of the agricultural report. And it is hereby made the duty of the township clerk to take charge of the laws, journals, reports

Reports, how distributed.

and executive documents to which he is entitled under the provisions of this section, and hold the same for the purpose herein named, and deliver the same to his successor in office, for the use of the people of his township, under the provisions of section thirteen of this act; Provided that he shall not be required to deliver to his successor in office any copies of journals, reports or documents that shall have been published more than five years.

Who entitled
to laws.

SEC. 13. Each member and officer of the general assembly for himself; each judge, and each clerk of every court of record; each justice of the peace, constable, township trustee, township clerk; each mayor, auditor, treasurer, clerk, recorder (or trustee of any ward), in any city or incorporated village; each county auditor, treasurer, recorder, sheriff, prosecuting attorney, commissioner of insolvents, surveyor, coroner, infirmary director and county commissioner shall be entitled to receive one copy of the laws, passed at each session of the general assembly, for their use while filling such office; but every such officer (except members and officers of the general assembly) as may by virtue of his office receive a copy of the laws, journals or executive documents for his use while filling such office, shall deliver the same to his successor in office for his use while filling such office, and if any such person shall refuse, on demand being made, to deliver them to his successor in office, such person so refusing shall forfeit and pay any sum not less than five nor more than fifteen dollars, to be recovered in an action brought by the successor in office of such person, in the name of the state of Ohio (for the use of the county where such action is brought), before any justice of the peace of such county.

Laws and
documents
to be sent to
auditors of
counties.

SEC. 14. The secretary of state shall, as soon as the laws, journals and executive documents of each session are printed and ready for distribution, box up the number of each to which each county may be entitled, together with such number of extra copies of the laws, for sale, as he may deem sufficient to supply the demand for the same, and forward the same by public conveyance to the auditor of the county. And the secretary of state shall, in like manner, as soon as the agricultural reports are ready for distribution, box up and forward thirty per cent. of such reports to the county auditors, apportioning the same among the several counties in proportion to their representation in the house of representatives. If any county seat be so situated that the laws, journals, reports and documents cannot be sent to the same by public conveyance, they shall be forwarded to a secure place as near such county seat as practicable, and the secretary of state shall notify the county auditor in writing of the delivery of the same at such point, and the county auditor shall contract with some person to convey the same to the county seat. The treasurer of each county shall, on the order of the auditor, pay the charges for the conveyance of the same from Columbus to such county seat.

Charges, how
paid.

SEC. 15. The county auditor shall deliver the laws, journals, reports and documents to such persons, institutions and societies as may be entitled to receive them, when so request-

ed to do, and shall take receipts therefor, and file the same in his office, subject to inspection. All such copies of the laws as may be forwarded to any county for sale shall be delivered by the auditor to the clerk of the court of common pleas, and the auditor shall take his receipt therefor, and file the same with the receipts aforesaid; and the auditor shall likewise charge the said clerk with such laws, in a book kept for such purpose in his office, at the actual cash cost of the same, which actual cost shall be ascertained by the secretary of state, who shall notify the county auditor thereof, and the clerk shall sell said laws at the actual cost, and quarter yearly after he has received the same shall pay all money which may come into his hands from such sales into the county treasury, and all such moneys shall be considered a part of the general revenue of the county. All copies of the laws which shall not be disposed of to persons, societies or institutions entitled to the same, or which may not be sold, shall be carefully preserved by the clerk, to be delivered to the officers of any new township, or newly incorporated village, or to such officers entitled thereto as may, by any unavoidable accident, have lost their copies of the same.

Duty of county auditors in relation to laws, etc.

SEC. 16. The secretary of the state shall deliver to the governor, for his own use, two copies of the laws, and one copy of the journals and documents; he shall deliver to the auditor of state and treasurer of state, each, three copies of the laws, and one of the journals and documents; to the attorney-general, each state house commissioner, each trustee or superintendent of any state benevolent institution, each director and warden of the penitentiary, each member of the board of public works, each member of the state board of agriculture, one copy of the same; and the commissioner of common schools shall receive the same; and the secretary of state shall furnish the governor with such number of copies of each as will be necessary to furnish each state, and each of the departments of the general government of the United States, with a copy; and the secretary of state shall furnish the state librarian with five copies of each for the use of the library.

Secretary of state to deliver copies governor, etc.

SEC. 17. The journals, executive documents and laws required by this act to be printed and put up in book form, shall all be bound in half law binding, and each journal and its appropriate appendix shall be bound in the same volume, unless in the opinion of the secretary the same shall make a volume too large for convenience, in which case each journal shall be bound separately, and the appendixes shall be bound separately or together, as the secretary of state may direct.

Journals and executive documents to be put up in book form, etc.

SEC. 18. All copies of the journals, executive documents, reports and laws which shall not be distributed under the provisions of this act, shall be preserved by the secretary of state, subject to future distribution by law.

SEC. 19. That whenever in any county in this state, the laws, journals, reports and executive documents ordered by law to be distributed, have accumulated or shall accumulate beyond the number required for immediate distribution, and for the probable future wants of such county, the county

commissioners shall authorize the clerk of the court of common pleas of said county to dispose of gratuitously to all public libraries within the county as may be desired by them for library purposes, and to sell such surplus copies at public sale at such time and place, and upon such previous notice as they may require. The clerk shall pay all moneys arising from such sale into the county treasury, and all such moneys shall be considered a part of the general revenue of the county.

Repealing
conflicting
act.

SEC. 20. That "an act providing for recording, printing and distributing the journals of the general assembly, and the laws and public documents," passed April 8th, 1856, (S. & C., p. 825;)

"An act to amend sections eight, nine, ten and eleven of an act entitled an act providing for recording, printing and distributing the journals of the general assembly, and the laws and public documents," passed April 8th, 1856, passed April 13th, 1865, (S. S., p. 430;)

"An act to amend sections eight ten and eleven of an act entitled an act providing for recording, printing and distributing the journals of the general assembly, and the laws and public documents," passed April 8th, 1856, and to repeal an act therein named, passed April 18th, 1870, (O. L., vol. 67, p. 99;)

"An act to amend an act providing for recording, printing and distributing the journals of the general assembly, and the laws and public documents," passed April 8th, 1866, passed May 3d, 1861, (S. & S., p. 432;)

"An act to amend section twelve of an act entitled an act providing for recording, printing and distributing the journals of the general assembly, and the laws and public documents," passed April 8th, 1856, passed March 30th, 1871, (O. L., vol. 68, p. 51;)

And "act to authorize the sale of surplus copies of the laws, and journals and executive documents," passed March 14th, 1859, (S. & C., p. 830,) be and the same are hereby repealed; and this act shall take effect January 1st, 1876.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

Passed March 30, 1875.

President of the Senate.

AN ACT

To amend section 16 of an act entitled "An act to incorporate savings and loan associations," passed February 2d, 1873. (O. L., Vol. 70, p. 44.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixteen of the above recited act be so amended as to read as follows:

Section 16. That said corporations shall have authority to invest their funds in the purchase of stocks, bonds, or other

evidences of the indebtedness of the United States, the stocks and bonds of the state of Ohio, the bonds of any municipal corporation of this state, or school bonds of any municipal corporations, special school district, or body politic in this state, issued pursuant to law, to such an amount as may be deemed proper; the stocks or bonds of any state in the union that has for five years immediately preceding such investment paid the interest on its bonded debt in lawful money of the United States; the bonds issued by county commissioners within the state of Ohio in pursuance of law; but no such association shall have an investment of a greater amount than one-tenth of its paid-in capital at one time, in either of the last two aforesaid securities. The bonds or notes secured by mortgage on unincumbered real estate, situated in the county where the association is located, or in an adjoining county in the state, worth, exclusive of buildings, at least double the amount loaned thereon, but no more than fifty per centum of the paid-in capital stock, and the deposits of such association shall be at any time invested in such real estate securities; such associations may discount notes and bills of exchange, and may take, receive, reserve, and charge upon any loan or discount, made upon note, bill of exchange or other evidence of debt, interest at the rate allowed, or that may be allowed by the laws of Ohio, and shall be subject for the violation thereof to the same penalties as natural persons, and such interest may be reserved or taken in advance at the time of making the loan or discount, and in the purchase, discount or sale of a bill of exchange, payable at another place than the place of such purchase, discount or sale, the current rate of discount or premium may be charged and received in addition thereto.

May invest
surplus
funds in
bonds, etc.

SEC. 2. That the said original section sixteen be and is hereby repealed, and this act shall take effect on its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

President of the Senate.

Passed March —, 1875.

AN ACT

To further provide for the education of the pupils of the Ohio Soldiers' and Sailors' Orphans' Home, and their instruction in industrial pursuits.

WHEREAS, The state of Ohio stands in the position of parent, to the children in the Ohio soldiers' and sailors' orphans' home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Ohio soldiers' and sailors' orphans' home shall afford to all the pupils under their charge such agricultural, horticultural, technical, industrial and art education as can be made accessible to them.

Pupils to be
instructed in
certain pur-
suits.

- SEC. 2.** They shall establish, in the grounds of the home, shops wherein suitable trades may be taught and practiced.
- SEC. 3.** The trustees, and under their regulations the superintendent, shall have power to employ the proper persons to teach such trades to the pupils under their charge, and to dismiss such instructors for cause.
- SEC. 4.** The trustees, and under their regulations the superintendent, shall have power to purchase the material, tools and machinery necessary to carry out the purposes of this act, and to dispose of the productions of the pupils to the best advantage of the institution, accounting for the proceeds and expenditures in their annual report.
- SEC. 5.** The trustees, and under their regulations the superintendent, are further empowered to make arrangements with the conductors or proprietors of industrial establishments, or occupations, situated outside of the home, to place, for part or all of their time, such pupils with them as may desire this, for the purpose of learning such trades or occupations.
- SEC. 6.** The curriculum of studies at the home for those having passed the thirteenth year shall be such as to assist them most effectively in their future pursuits. The division and assignment into schools and classes shall be so regulated that the pupils may have the benefit of instruction in approved literary branches, at such hours as would appear to be most practicable, be they given in evening schools, half time schools, or in schools during certain seasons only.
- SEC. 7.** Wages earned by pupils outside of the home shall belong to them. Those working inside the institution shall be entitled, on their discharge, to their net earnings during the two years previous, to be approximated by the trustees, and under their regulations by the superintendent.
- SEC. 8.** The pupils shall have the right to select for themselves such trade or occupation as they may wish to engage in, but every pupil, male or female, remaining in the institution after having completed his or her fourteenth year, except in cases of debility or ill-health, must devote him or herself, for part or [of] his or her remaining time, to the learning of one of the occupations to be provided for.
- SEC. 9.** The trustees shall, so far as practicable keep in communication with the pupils after their discharge from the institution, to be able to report to the governor and general assembly in regard to these children of the state.
- SEC. 10.** The trustees of the Ohio soldiers' and sailors' orphans' home shall have power to make all necessary arrangements not involving an expenditure exceeding five thousand dollars for the present fiscal year, to carry the purpose of this act into effect.
- SEC. 11.** Whatever branches of industry the trustees may find proper to introduce, they shall endeavor to have them taught and practiced in such a thorough and comprehensive manner that the Ohio soldiers' and sailors' orphans' home shall be considered as a model school for that particular branch of industry.

Superintendents to employ instructors, etc.

Superintendent to purchase machinery.

Authorized to make outside arrangements for instruction.

Relative to studies in the home.

Wages of pupils.

To select their own trade.

Expenditures not to exceed, etc.

To be made a model school of industry.

SEC. 12. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT.

To amend an act to establish the Superior Court for the city of Cleveland, and to repeal an act therein named, passed May 5, 1873. (Vol. 70, p. 297, O. L.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 12 of the above recited act be so amended as to read as follows:

Section 12. Appeals may be taken from all final judgments, orders or decrees and interlocutory orders dissolving injunctions rendered or made by said superior court to the district court, in all cases in which such appeals are or shall be allowed by law from the court of common pleas to said district court, and upon the same terms and conditions as are required in perfecting such appeals from the court of common pleas to the district court, and with like effect. And all judgments rendered, or final orders made by said superior court may be reversed, vacated or modified by the district court for errors appearing on the record, in all cases where said district court is or may be authorized by law to reverse, vacate or modify the judgment and orders of the court of common pleas; and all pleadings, process and proceedings which are or may be provided by law governing such proceedings in error, to revise, vacate or modify the judgments or orders of the court of common pleas are hereby extended to and shall govern the like proceedings authorized by this act, brought to reverse, vacate or modify the judgments or orders of said superior court.

When appeals may be taken.

And said district court shall take jurisdiction of and proceed to hear and determine all such appeals and proceedings in error in the same manner, and shall render such judgments therein as are or may be provided upon appeals, or proceedings in error from or upon the judgments or orders of the court of common pleas.

SEC. 2. That section nineteen of the above recited act be amended so as to read as follows:

Section 19. All laws now in force or which may hereafter be enacted conferring power, authority and jurisdiction in civil cases, and the proceedings upon the court of common pleas, giving them power to hear and determine cases, and to preserve order and punish contempt, regulating their practice and forms of process, prescribing the force and effect of their judgments, orders or decrees, and authorizing or direct-

Powers and jurisdiction.

ing the execution thereof, shall be held and deemed to extend to the said superior court, to the extent of its territorial jurisdiction as fully as they extend to the said courts of common pleas, unless the same be inconsistent with this act or plainly inapplicable, and the said superior court, in respect to the form and manner of all pleadings therein, and the force and effect and lien of its judgments, orders or decrees, shall be deemed and held a court of general jurisdiction; and said court shall sign bills of exceptions, if required, the same as is provided for in trials in the court of common pleas.

SEC. 3. That said original sections twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16) and nineteen (19) of the above entitled act are hereby repealed,

SEC. 4. This act shall take effect and be in full force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed January 30, 1875.

LOCAL AND SPECIAL ACTS.

AN ACT

To create two election precincts in the township of Salem, Columbiana county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all the territory included in sections one, two, three, four, nine, ten, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five and thirty-six in the township of Salem, county of Columbiana, shall constitute a separate election precinct in said township, in which the election shall be held in the town of Leetonia; and that the remainder of said township shall constitute another separate election precinct within said township, in which the election shall be held at such place as the township trustees shall designate.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed December 12, 1874.

AN ACT

To create a joint sub-district for school purposes in the township of Marion, Mercer county, and Jackson township, Auglaize county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the east fourth of section twenty-two (22,) all of sections twenty-three (23,) twenty-four (24,) twenty-five (25,) twenty-six (26,) the east half of section twenty-seven (27,) and the north half of section thirty-six (36,) town seven (7,) south of range three (3,) east, in Mercer county, and the west half of section nineteen (19,) and the west half of the east half of said section nineteen (19,) and the northwest quarter and the west half of the northeast quarter of section thirty (30,) town seven (7,) south of range four (4,) east, Auglaize county, shall constitute a joint sub-district for school purposes.

SEC. 2. Said joint sub-district shall be under the control and subject to the jurisdiction of the board of education of Marion township, in the same manner and to the same extent as if the territory composing said joint sub-district were situated in said township of Marion and had been legally organized and formed into a joint sub-school district, in pursuance of the general laws of the State of Ohio; provided, that there shall be

elected in the aforesaid sub-district, on the second Monday of April next, three local directors; one to serve for one year, one for two years and one for three years, in the same manner as is provided by law.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed January 6, 1875.

AN ACT

To authorize the election of one additional judge of the court of common pleas in the third sub-division of the ninth judicial district of the State of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be one additional judge of the court of common pleas in and for the ninth judicial district of the State of Ohio, who shall be a resident of the third sub division thereof, and who shall be elected by the qualified electors of the counties of Ashtabula, Geauga and Lake, comprising said third sub division.

SEC. 2. That the first election for said additional judge shall be held on the third Monday of January, A.D. 1875, and his term of office shall commence on the first Monday in February thereafter, and such additional judge shall thereafter be elected at the annual election in October, A.D. 1875, and every five years thereafter, in the same manner and for the same term of office as is prescribed by the constitution and laws of the State of Ohio, for the election of other judges of said court.

SEC. 3. That it shall be the duty of the sheriff in each county in said sub division, at least ten days prior to said third Monday of January, A.D. 1875, to give notice by proclamation, as is now provided by law, of the time and place of holding such election, which shall be conducted, and the returns thereof made, in the same manner as required by law in case of the election of judges of the court of common pleas.

SEC. 4. That said judge, when elected and qualified, shall receive the same compensation as other judges of said court, and shall also in every respect have the same jurisdiction, possess the same powers, discharge the same duties and incur the same penalties as are now, or may hereafter be enforced or enjoined by the constitution and laws of the State of Ohio, upon other judges of said court.

SEC. 5. That when a vacancy shall occur in the office of said additional judge, whether by the expiration of his term of office or otherwise, such vacancy shall be filled as in vacancies in the office of the other judges of said court.

SEC. 6. That this act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed December 16, 1874.

AN ACT

To authorize the trustees of the township of Jefferson, in the county of Ashtabula, and state of Ohio, to convey certain real estate therein described to Harvey R. Green.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Jefferson, in the county of Ashtabula, and state of Ohio, be and they are hereby authorized for and on behalf of said township to execute and deliver to Harvey R. Green a deed conveying to him, his heirs and assigns forever, the title to certain real estate heretofore sold to him by said trustees, in full compliance with the terms of said sale, said real estate being a narrow strip on the east side of the cemetery in the western part of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed January 26, 1875.

AN ACT

For the relief of Joseph S. Pierce.

WHEREAS, On the 13th day of November, A.D. 1873, Joseph S. Pierce was the duly elected and qualified treasurer of Lyme township, in Huron county, Ohio, and as such treasurer had on deposit in the banking house of H. M. Sinclair & Co., in the village of Bellevue, Ohio, fifteen hundred and fifty-four dollars of the money of said township, and being school funds thereof, belonging to that portion of said township not included in separate district No. 1 and Bellevue union school district; and on said 13th day of November, 1873, said H. M. Sinclair & Co. failed, and are not able to pay more than a small per centage on each dollar of their indebtedness, and said Joseph S. Pierce is not able, without great suffering, to pay said loss; and

WHEREAS, A large majority of the tax-payers of said township interested in said funds so placed on deposit, by their petition to this general assembly, represent that said Joseph S. Pierce acted with reasonable business prudence and in good faith in said deposit of said money, and was not in any manner in fault in so doing, and ask that this general assembly extend relief to said Joseph S. Pierce; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Lyme township, in the county of Huron, are hereby authorized to release said Joseph S. Pierce and his sureties on his official bond from the payment of said sum of \$1,554, so as aforesaid deposited with H. M. Sinclair & Co.; provided, that before said release shall be made, said Joseph S. Pierce shall assign and transfer to said township trustees his claim against said H. M. Sinclair & Co., for and on account of said money so by him deposited; and also, provided, that before said release shall be made, the question shall be submitted to the

qualified electors of said township, not including those who reside within the bounds of said separate school district No. 1, and those who reside within the bounds of said Bellevue union school district, at some general or special election, notice of which shall have been given at least twenty days prior thereto, by putting up posters in three public places in said township, and two-thirds of the electors voting thereon at said election shall vote in favor thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Passed February 26, 1875.

AN ACT

To authorize the board of education of the township of Washington, county of Jackson, to levy a tax to pay indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Washington township, Jackson county, be and is hereby authorized to levy in each of the years 1875 and 1876, in addition to the levies now authorized by law, on each dollar of taxable property in said Washington township, a tax of two and one-half mills, for the payment of existing indebtedness. The said levy shall be certified to the county auditor, and collected and paid to the treasurer of said township, in like manner as other township taxes for the aforesaid years.

SEC. 2. This act shall take effect on its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Passed January 26th, 1875.

AN ACT

To authorize the trustees of the township of Morgan, in the county of Ashtabula, State of Ohio, and the council of the village of Rock Creek, to transfer the surplus cemetery funds now on hand to the township and town hall funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Morgan, in the county of Ashtabula, and State of Ohio, and the council of the village of Rock Creek, in said township, be and by their agreement and joint action, are hereby authorized to transfer any or all cemetery funds now in the treasuries of said township and village to the township and town hall funds of said

township in such amounts from each treasury, and such amount to each of said funds, as by their joint action they may in their discretion deem best.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Passed January 26th, 1875.

AN ACT

To provide for the payment of a Town Hall and place for holding Elections in the township of Polk, Crawford county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Polk, county of Crawford and state of Ohio, be and they hereby are authorized to borrow money, in the manner hereinafter provided, not to exceed five thousand dollars in amount, one-half to be raised by issuing bonds, and one-half by borrowing from the township fund, for the payment of the completion of a town hall and place for holding elections and for holding the meetings of the officers of said township, said building to be located on the north end of lot number forty-eight of the original plat of the incorporated village of Galion, Ohio.

SEC. 2. That for the purpose aforesaid, the trustees of said township are hereby authorized to issue bonds not to exceed two thousand five hundred dollars in the aggregate, to be signed by at least two of the said trustees and countersigned by the clerk of said township, in sums not more than five hundred dollars each, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually, to be made payable at a time not to exceed five years from the date of their issue; and the clerk of said township shall make and preserve a record of all bonds so issued, showing the amount of each bond, to whom and where sold, the amount received and when payable; and for the purpose aforesaid, said trustees are hereby further authorized to borrow from the surplus township fund in the treasury of said township, an amount not exceeding two thousand five hundred dollars, said sum to be returned to said fund from the amount realized from the tax levy hereinafter provided for; Provided that the trustees of said township, before issuing said bonds or borrowing from the surplus township fund aforesaid, shall first submit the question of tax or no tax for the purposes aforesaid, to the qualified electors of said township, at an election to be held after at least twenty days' notice of the same in at least twenty public places in said township shall be given, which notice shall state the amount hereby authorized to be raised for taxation for the purpose aforesaid; the ballots voted at said election to bear the words: "\$5,000 tax for town hall, Yes;" or "\$5,000 tax for town hall, No."

SEC. 3. If a majority of all the electors voting at said election shall cast their ballots for "\$5,000 tax for town hall, Yes," then the trustees of said township shall proceed to issue the bonds as herein provided, and shall proceed to sell the same for not less than their par value, and shall

further proceed to transfer from the surplus of the township fund in the treasury of said township, an amount not exceeding twenty-five hundred dollars to the town hall fund; and said trustees, for the purpose of paying the bonds so issued and returning the money so transferred from said township fund to said town hall fund, are hereby authorized to levy a tax annually on all the taxable property of said township sufficient to pay said bonds and interest, as they become due, and to return at least one fourth of the amount borrowed from said township annually, until the same shall be paid in full, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed January 30th, 1875.

AN ACT

To authorize the creation of a special school district in Turtle Creek township, Shelby county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory now embraced in sub-school district number one of the township of Turtle Creek, and county of Shelby, and described as follows, to wit: The south-east quarter of section nineteen, the east half of south-west quarter of section nineteen, the south-west quarter of the south-west quarter of section number twenty, the west half of section twenty-nine, the east half of section number thirty, and whole of section number thirty-one, the west half of section number thirty-two, and the south-east quarter of section number thirty-two, all in township eight, north, range-six, east, be and the same is hereby created and declared to constitute a special school district, by the name of Hardin special school district; provided, however, that a majority of the electors residing within said territory shall vote in favor of special school district at an election to be held in the manner following.

SEC. 2. Written notice shall be posted in three of the most public places in said territory, signed by at least six resident electors of said proposed special district, requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notice, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least two hours, and shall not close before four o'clock P.M. The electors in favor of the proposed special school district shall write or print upon their ballots "Special School District"; and those opposed thereto, "No Special School District"; and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots in said election be found in favor of the special school district, as aforesaid, the electors shall at once proceed to elect three members of the boards of education, one for one

year, one for two years, and one for three years from the third Monday of April next thereafter, who shall hold their offices for the terms therein specified, and until their successors are elected and qualified. The said special school district shall be entitled to all the school property within such territory, and the title thereto is hereby vested in the board of education of said Hardin special school district.

SEC. 4. The said special school district shall be entitled to and shall receive their proportionate share of the school funds and the funds levied for school-house and incidental expenses, in accordance with the enumeration of 1874, of children who are entitled to attend schools, said funds being those now collected or already levied and not collected either in the county or township treasury.

SEC. 5. Said district shall be governed in all respects by such laws as now are, or may hereafter be in force relating to special school districts.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed January 20, 1875.

AN ACT

To amend an act entitled "An act regulating the Commercial Hospital of Cincinnati," passed March 11, 1861, (Vol. 58, pages 151 and 152), and to repeal certain amendments thereto, passed February 29, 1864. (Vol. 61, page 142).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one and two of an act entitled an act to amend an act entitled an act regulating the Commercial Hospital of Cincinnati, passed February 29, 1864, be amended so as to read as follows:

Section 4. That the city councils of cities of the first class in which there is or may be a hospital endowed, in whole or in part, by funds received from the state of Ohio are hereby authorized and required to levy a tax not exceeding one-half of one mill, on the grand duplicate on all taxable property in said city in each and every year, the receipts whereof shall be paid into the city treasury as a special fund for the payment of all expenses incurred for rebuilding and repairing of the buildings and grounds, furnishing, supplying and supporting said hospital and pest-house, and the city treasurer shall disburse the same on the order of the board of trustees, signed by the president, and countersigned by the secretary of said board.

SEC. 2. The board of trustees shall adopt rules and regulations for the government of said institution, and for the admission of patients, and the discharge of convalescents from said hospital and pest-house.

SEC. 3. That the act entitled "An act to amend an act entitled 'an act regulating the Commercial Hospital of Cincinnati,'" passed March 11,

1861; passed February 29, 1864, (Vol. 61, page 142,) be and the same is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed January 26th, 1875.

AN ACT

Authorizing an increase of the number of the board of education of Mt. Carmel Special School District, in Clermont and Hamilton counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the electors of Mt. Carmel special school district, situated partly in Clermont county and partly in Hamilton county, are hereby authorized to proceed to change the number of the members of the board of education of said district from three to six, in the manner prescribed for changing the number of the members of the board of education in city districts of the second class, and village districts, in section twenty-one of "An act for the reorganization and maintenance of common schools," passed May 1st, 1873.

SEC. 2. This act to be in effect on and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 3d, 1875.

AN ACT

To authorize the City Council of the city of Zanesville, Ohio, to issue Bonds and borrow money for the purchase of additional Cemetery Grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Zanesville, in Muskingum county, Ohio, be and is hereby authorized and empowered to issue bonds, not exceeding the sum of ten thousand dollars, bearing a rate of interest not exceeding eight per centum per annum, payable semi-annually, and to be of such denominations as said council by ordinance shall provide, not less than one hundred dollars each, which bonds shall be made payable at such time as said council shall determine, not exceeding fifteen years after date, and shall not be sold for less than their par value, and the money arising from said bonds shall be used and applied in the purchase

of additional cemetery grounds for the use of said city, and for no other purpose.

SEC. 2. That said city council shall have the power, if they deem it necessary after the issuing of said bonds, to levy a tax on the taxable property of said city, in addition to the rate now authorized by law in each year, during the running of such bonds, sufficient to pay the interest, and ultimately to pay the principal of the bonds at maturity, and the money arising from such tax shall be applied by said council to the payment of the interest and principal of said bonds, and for no other purpose.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 3d, 1875.

AN ACT

To authorize the creation of a special school district in Madison township, Columbiana county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the state of Ohio,* That the territory comprised in sub-districts Nos. 1 and 2, embracing sections 22, 23, the east half, and south-west quarter of section 25, sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, in Madison township, Columbiana county, Ohio, be and the same is hereby created and declared to constitute a special school district; Provided, however, that a majority of the electors residing within said territory, shall vote in favor of said special school district, at an election to be held in the manner following:

SEC. 2. Written notices shall be posted in six of the most public places in said territory, signed by at least six resident electors of said sub-districts, requesting the qualified electors thereof to assemble on a day, and at an hour and place designated in said notices, and then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least three hours, and shall not close before four o'clock P.M. The electors in favor of the proposed special school district, shall write on their ballots, "school," and those opposed thereto, "no school," and a majority of the ballots so cast shall determine the question, whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots in said election be found in favor of the special school district, as aforesaid, the six directors now in office shall continue therein as members of the board of education to the expiration of their terms, and at each annual election after the passage of this act there shall be elected two members of the board of education, who shall hold their office for three years, or until their successors are elected and qualified. The said special school district shall be entitled to all the school property, belong [belonging] thereto, and said special school district shall be governed in all respects by such laws as now are, or may

hereafter be in force, relating to special school districts, so far as they do not conflict with the provisions of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 8th, 1875.

AN ACT

Authorizing the creation of a special school district in the townships of Perry, Pike, Washington and Bedford, in Coshocton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-one (21), excepting therefrom the northwest quarter of said section, the south half of section twenty-two (22), in the township of Perry, in the county of Coshocton; section one (1), excepting therefrom the southeast quarter of said section, all of section two (2), the northeast quarter of section three (3), and the north half of section (9), in the township of Pike in the county of Coshocton; a tract or lot one hundred rods in width and one hundred and sixty rods in length in the northwest corner of section (5), in the township of Washington, in the county of Coshocton; a tract or lot eighty rods in width and two hundred and forty rods in length in the southwest corner of section twenty-five (25) in the township of Bedford, in the county of Coshocton, be and the same is hereby created and declared to constitute a special school district; Provided, however, that a majority of the electors residing within the above described territory shall, at some general or special election, vote in favor of said special district, the election to be held in the manner following:

SEC. 2. Printed notices shall be posted in at least four of the most public places in said territory at least ten days before the day designated for holding said election, signed by at least ten resident electors of said territory, requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall be sworn, and act as judges of said election, which shall continue for at least two hours, and shall not close before four o'clock p. m. The electors in favor of the proposed special school district shall cast a ballot on which is written or printed "Special school district—Yes," and those opposed thereto, "Special school district—No," and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots cast at said election be found to be in favor of the special school district as aforesaid, the electors shall at once proceed to elect three members of the board of education; one for the term of one year, one for two years, one for three years, who shall hold their offices for the terms therein specified from the first Monday of April succeeding their election and until their successors are elected and qualified.

SEC. 4. The said special school district shall become the owner and possessor of all the school property in the territory belonging thereto,

and said special school district shall be governed and controlled in all respects by such laws as now are or may hereafter be in force relating to special school districts.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 8, 1875.

AN ACT

To authorize the counties of Stark and Columbiana to issue bonds to build a Children's Home.

WHEREAS, The counties of Stark and Columbiana have been duly organized into a children's home district, under the supplemental act of March 30, 1874 (O. L., Vol. 71, p. 60), and

WHEREAS, The demands of the district make it desirable that a suitable site be purchased and necessary buildings for a children's home be erected thereon without delay; and

WHEREAS, The joint board of commissioners cannot realize the necessary funds immediately by taxation as provided by law; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose aforesaid the commissioners of the counties of Stark and Columbiana are hereby authorized and empowered to issue bonds in proportion to the taxable property of each county, as shown by their respective duplicates, in such denominations as the said commissioners may stipulate, not to exceed in the aggregate forty thousand dollars, and at a rate of interest not exceeding eight per centum per annum, the interest payable semi-annually; said bonds to be made payable in a period of time not exceeding three years, and redeemable at the pleasure of the board of commissioners at any time after one year.

SEC. 2. Said bonds shall be signed by the commissioners, and countersigned by the auditor of the county issuing them. Said bonds shall not be disposed of for less than their par value.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 18, 1875.

AN ACT

To authorize the council of the incorporated village of Ottawa to issue bonds and borrow money for building and fire purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Ottawa, Putnam county, Ohio, be and they are hereby authorized and empowered to issue bonds,

not to exceed ten thousand dollars, bearing a rate of interest not to exceed eight per cent. per annum, to be of such denomination as the council may determine; said bonds shall be signed by the mayor, and countersigned by the recorder of said village, and shall be payable at any time or times said council may determine, not to exceed ten years, and shall not be sold for less than their par value, the interest to be paid semi-annually; and the money arising from the sale of such bonds shall be applied to the purchase of a lot and the erection of a building for an engine house, a prison, offices for the use of said village, and the purchase of fire engine and apparatus, and for no other purpose.

SEC. 2. Said council shall have power, and it is hereby made its duty after the issuing of said bonds to levy, on the taxable property of said incorporated village, during the running of said bonds, sufficient to pay the interest semi-annually, as it accrues, and principal of said bonds as it becomes due, and certify to the auditor of the said county the per centage by it levied necessary for the payment thereof, and the auditor shall place the same on the duplicates of taxes, and shall collect the same as other taxes, and the money arising from such tax shall be applied to the payment of the interest and principal of said bonds, and for no other purpose whatever.

SEC. 3. This act shall take effect from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 25, 1875.

AN ACT

To authorize the commissioners of Franklin county to sell certain lands therein named.

WHEREAS, On the first day of December, A.D. 1869, the commissioners of Franklin county, Ohio, purchased of one William Neil one hundred and fifteen acres of land situate in said Franklin county, for the purpose of erecting thereon a county infirmary; and

WHEREAS, The erection of said infirmary has been abandoned by said county, and the money levied and collected for said purpose, under and in pursuance of an act of the general assembly, appropriated to the payment of the bonds of said county, issued to the agricultural and mechanical college; and

WHEREAS, Said real estate is unproductive; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of said Franklin county be, and they are hereby authorized, to sell such real estate; provided said commissioners first cause said real estate to be sub-divided into lots of such dimensions as they may think proper, and to sell said lots separately, at public sale, at the door of the court-house, in the city of Columbus, upon public notice first being given in a daily and weekly newspaper, published in said city, for at least sixty days previous to such day of sale. Terms of sale: One-fourth of the purchase money to be paid on the day of sale, the balance in three annual payments, with interest, secured by mortgage on the lands sold, and appropriate the proceeds of any such

sale or sales, as fast as collected, to the payment of the bonds of said county, issued to said agricultural and mechanical college, as aforesaid.

SEC. 2. That said board of county commissioners are hereby authorized to execute any and all conveyances which may be necessary to secure the title in fee to purchasers of said premises or any part thereof.

SEC. 3. That the authority to sell said premises shall include the right to sell and dispose of any building material which may be upon said premises belonging to said county, and appropriate the proceeds, as hereinbefore provided.

SEC. 4. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 25, 1875.

AN ACT

To authorize the creation of a Special School District in Royalton township, Fulton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory composed in sub-district number five (5), in said Royalton township, be and the same is hereby created and declared to constitute a special school district; Provided, however, that a majority of the electors residing within said territory shall vote in favor of said special school district at an election to be held in the manner following:

SEC. 2. Written notices shall be posted in three of the most public places in said territory, signed by at least six resident electors of said sub-district, requesting the qualified electors thereof to assemble on a day, and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least two hours, and shall not close before four o'clock P. M. The electors in favor of the proposed special school district shall write upon their ballots, "Special School—Yes," and those opposed thereto "Special School—No," and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots in said election be found in favor of the special school district as aforesaid, the electors shall, on the second Monday of April next proceed to elect three members of the board of education; one for one year, one for two years and one for three years, who shall hold their offices for the terms therein specified, and until their successors are elected and qualified. The said special school district shall be entitled to all the school property belonging thereto, and shall, after its organization as a special school district, be governed in all respects by

the laws now in force, or which may hereafter be in force relative to special school districts.

SEC. 4. This act shall take effect from and after the first day of July, 1875.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Passed February 26th, 1875.

AN ACT

For the relief of Peter Phelan, James Webster and John M. C. Marble.

WHEREAS, On the 16th day of February, 1869, Peter Phelan, James Webster and John M. C. Marble purchased from the auditor of state the south-west quarter of the south-east quarter of section number twenty-eight, township number one, south of range number five east, containing forty acres known as canal land, for which they paid into the state treasury the sum of one hundred and twenty dollars; and,

WHEREAS, On the 30th day of August, 1870, said Peter Phelan, James Webster and John M. C. Marble brought suit in the court of common pleas of Putnam county, Ohio, to eject one William H. Harris from said premises, who claimed an equitable title to the same; and,

WHEREAS, At the April term of the court of common pleas of said county in 1872, the court found that said William H. Harris was seized of an equitable title to said premises, and permitted him to remain in full possession of the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated out of any money not otherwise appropriated, for the refunding to said Peter Phelan, James Webster and John M. C. Marble, the sum of one hundred and twenty dollars, with interest, from the 16th day of February, 1869, amounting to thirty-six dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Passed February 26th, 1875.

AN ACT

To authorize the City Council of the city of Portsmouth to transfer the Hospital fund to the General fund of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Portsmouth, Scioto county, be and its hereby authorized to transfer the hospital fund amounting to five thou-

and one hundred and forty two dollars and eighty five cents (\$5,142.85), belonging to said city, to the general fund of said city.

SEC. 2. This act shall be in force from an after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed February 26th, 1875.

AN ACT

To authorize the county auditor of the county of Belmont to levy an extra tax for the construction and completion of the Ohio Valley free turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever it shall be made known to the county auditor of Belmont county, by petition signed by a majority of the resident freehold tax-payers along the line and within the bounds of the Ohio valley free turnpike, now being constructed in said county, that they desire an extra tax in addition to the extra tax heretofore levied for the construction and completion of said free turnpike, it shall be the duty of said county auditor to levy such additional tax, not exceeding three mills per annum on the dollar of valuation of all the taxable property within the bounds of said free turnpike, for each of the years 1875, 1876, and 1877. And for the purpose of raising the money for the speedy completion of said road, the commissioners of said free turnpike are hereby authorized to issue bonds, payable in installments, or at intervals, not exceeding in all the period of three years, bearing interest not exceeding eight per cent. per annum, payable semi-annually, which bonds shall not be sold at less than par. And the extra taxes levied under the provisions of this act shall be divided in such manner as to meet the interest and principal of said bonds, and the said taxes shall be placed upon the duplicate of the county for collection, in the same manner as other taxes, and when collected, the money arising therefrom shall be applied to no other purpose than the payment of such bonds.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed February 26th, 1875.

AN ACT

To authorize the council of the incorporated village of Washington, Fayette county, Ohio, to borrow money to purchase a steam fire engine and hose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Washington, Fayette county, Ohio, be and hereby is authorized and empowered, for the pur-

pose of purchasing a steam fire engine and necessary hose for the same, to borrow a sum not exceeding eight thousand dollars, for a term not exceeding eight years, at a rate of interest not exceeding eight per cent. per annum, payable semi-annually; and said council may issue the bonds of said village for the payment of the money so borrowed, and the interest thereon, payable at such times within said eight years as the council may determine, and said bonds shall be signed by the mayor of said village and countersigned by the clerk.

SEC. 2. That for the purpose of paying said bonds, with the interest as the same becomes due, the council of said village is hereby authorized and empowered to levy a tax, in addition to all other taxes, upon all the taxable property of said village, both real and personal, at such times and in such amount as may be necessary to pay the principal and interest as the same becomes due, the same to be certified by the clerk of said corporation to the county auditor, by whom the same shall be entered upon the duplicate of said county, and collected as other taxes; and the money so raised shall be paid over to the treasurer of said village, to be paid out by him by the order of the council, for the purposes specified by this act, and for no other purposes whatever.

SEC. 3. The bonds issued by virtue of this act shall not be sold for less than their face value.

SEC. 4. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 EMBRY D. POTTER,
President pro tem. of the Senate.

Passed February 26th, 1875.

AN ACT

To authorize the county commissioners of Brown county to construct a free turnpike road from the county line between Brown and Clermont counties to Mount Orab, in said county of Brown.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Brown county, Ohio, be and they are hereby authorized to construct a free turnpike road from the county line between Brown and Clermont counties to Mount Orab, in Brown county, on the line of the old plank-road, and upon the bed thereof

SEC. 2. That said county commissioners may, if they deem it best, issue bonds for the construction of said road, and assess a tax upon the taxable property of the county to pay said bonds and interest thereon; provided, said bonds shall bear an interest of six per centum per annum, payable semi-annually, and shall not be sold for less than their par value; provided, that not over twenty per centum of the cost of said improvement shall be assessed in any one year; provided, that said county commissioners shall, before proceeding to construct said road, require and secure from those interested in said improvement, a subscription or dona-

tion equal in amount to twenty per centum of the cost of said improvement, to aid in the construction of the same.

SEC. 3. This act to be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed January 26th, 1875.

AN ACT

To authorize the trustees of Lagrange township, Lorain county, Ohio, to issue bonds to pay an indebtedness incurred in erecting a town hall, and to levy a tax to pay the same.

WHEREAS The qualified electors of said Lagrange township, at the annual election held on the first Monday in April, A D. 1874, voted to build a town hall in said township; and

WHEREAS, The trustees of said township have erected the same, and for that purpose have created an indebtedness against said township in the sum of five thousand dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Lagrange township be and they are hereby authorized to issue the bonds of said township for said sum of five thousand dollars, bearing interest at a rate not exceeding eight per cent. per annum, and payable one-half in two years and one-half in three years from the date thereof.

SEC. 2. That for the purpose of paying said bonds and interest, the trustees of said township are hereby authorized and required to levy a tax on all taxable property in said township in the years A.D. 1875, and A.D. 1876, sufficient to pay said bonds and the interest accruing on them, which tax shall be entered upon the duplicate by the auditor of Lorain county, and collected in the same manner as other taxes are collected.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 2d, 1875.

AN ACT

To change the name of the incorporated village of Newmarket, Harrison county, Ohio, to Scio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the incorporated village of Newmarket, Harrison county, Ohio, be changed to the name of Scio, to correspond with the

name of the post-office of said village, and that on and after the passage of this act, that said village shall be known by the name of Scio.

SEC. 2. That all ordinances passed or proceedings had by the common council of the village of Newmarket, previous to the passage of this act, shall be held and deemed as valid as though this act had not passed.

SEC. 3. This act shall be in full force and effect from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 2d, 1875.

AN ACT

To amend section one of an act to authorize the creation of a special school district in Madison township, Columbiana county, Ohio, passed February 8, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled an act to authorize the creation of a special school district in Madison township, Columbiana county, Ohio, passed February 8, 1875, be amended so as to read as follows:

Section 1. That the territory comprised in sub-district Nos. 1 and 2, embracing sections 22, 23, the west half of the south-east quarter of section 25, sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, in Madison township, Columbiana county, Ohio, be and the same is hereby created and declared to constitute a special school district; provided, however, that a majority of the electors residing within said territory, shall vote in favor of said special school district at an election to be held in the manner following:

SEC. 2. That section one of the above named act be and the same is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 3d, 1875.

AN ACT

To authorize the commissioners of Cuyahoga county to transfer money from the sinking fund of said county to the bridge and general fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Cuyahoga, be and they are hereby authorized and empowered to transfer from the sinking fund of said county to the bridge and general fund, all the moneys now standing

to the credit of said sinking fund as they shall deem best for the interests of said county.

SEC. 2. This act shall be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President of the Senate.

Passed March 3d, 1875.

AN ACT

To authorize the commissioners of Fairfield county, Ohio, to transfer twenty thousand dollars, now in the building fund, to the road improvement fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Fairfield county are hereby authorized to transfer any sum, not exceeding twenty thousand dollars now on hand in the county treasury of the building fund, to the road improvement fund of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President of the Senate.

Passed March 3d, 1875.

AN ACT

To authorize the city council of the city of Zanesville, Ohio, to levy a tax and borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Zanesville, in Muskingum county, Ohio, be and is hereby authorized and empowered to levy a tax, not to exceed two mills on the dollar upon the taxable property of said city, in addition to the rate already provided by law, for the purpose of paying off the debts now contracted in the organization of a fire department in said city, and for the further purpose of perfecting such fire organization and furnishing the necessary equipments and apparatus therefor.

SEC. 2. That said city council shall also have power to borrow money at a rate of interest not to exceed eight per centum per annum, payable semi-annually, in anticipation of the collection of said tax, and to issue its bonds or bills of indebtedness therefor, payable in such amounts and at such time or times, not to exceed ten years, as said council may by ordinance or resolution provide.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 3d, 1875.

AN ACT

To authorize the commissioners of Coshocton county to build a bridge across the Mohican river, at or near the village of Rochester, in Tiverton township, Coshocton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Coshocton county be and are hereby authorized to build a free bridge across the Mohican river, at or near the village of Rochester, in Tiverton township, in Coshocton county, at a cost not exceeding fifteen thousand dollars, and that the board of commissioners are hereby authorized and empowered to appropriate out of the bridge fund sufficient for the construction of said bridge.

SEC. 2. That said county commissioners shall be governed in the erection of said bridge by the act amending section seven of an act defining the duties of county commissioners in the construction of bridges, passed February 16, 1871, (O. L., Vol. 68, p. 21.)

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 12th, 1875.

AN ACT

To authorize the trustees of Thorn township, Perry county, to build a Township House.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Thorn, Perry county, be and they are hereby authorized to issue bonds not exceeding in the aggregate the sum of five thousand dollars, for the purpose of building a town hall for the use of said township, said bonds to be signed by the trustees of said township, and attested by the clerk, and to be of any sum not less than fifty dollars, and bearing interest at a rate not exceeding eight per cent. per annum, the principal and interest of said bonds to be payable one-third in one year, one third in two years, and one third in three years from the issuing of said bonds; said bonds are not to be sold for less than their par value.

SEC. 2 That for the purpose of paying said bonds and the interest thereon as the same shall become due, the said trustees are hereby authorized and empowered to levy and assess a tax on all the taxable property of said township annually, after the issuing of said bonds; provided, that a majority of the legal voters of said township, voting upon said question at said election, shall, at a general election, vote in favor of the issuing of said bonds, of which election the trustees of said township shall give at least ten days' notice by posting notices in five of the most conspicuous places in said township. At said election the electors shall have written or printed on their ballots: "For Township House, Yes," or "For Township House, No."

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 12th, 1875.

AN ACT

To authorize the commissioners of Fairfield county to levy a tax for changing and improving a road known as the Hocking Valley Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Fairfield county be and they are hereby authorized to levy, at their June session, A. D. 1875, a special tax not exceeding in the aggregate the sum of fifteen hundred dollars, for the purpose of changing and improving the Hocking valley road, in Berne township, commencing between the east and west line of the lands of Henry Echert and Richard Alcock, and from thence running west through the Hocking river to the line between Henry Echert and Geo. H. Kraft, and there intersect the old road.

SEC. 2. The commissioners shall, when letting the contracts for changing or improving said road, be governed by the laws now in force relating to the duties of county commissioners.

SEC. 3 This act to take effect from its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives,
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 12th, 1875.

AN ACT

To authorize the city council of the city of Cleveland to establish industrial schools for the benefit of destitute and neglected children.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the city council of the city of Cleveland to establish one or more industrial schools in said city for the benefit of destitute and neglected children, and provide by ordinance or otherwise, for the course of instruction in the branches of a common school education, and in the industrial arts and employments which shall be taught and pursued therein, and for the support, management and government of such school or schools.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 12th, 1875.

AN ACT

To authorize the commissioners of Vinton county to convey a site to build a church thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Vinton are hereby authorized to sell and convey, of the lands belonging to the Vinton county infirmary, upon such terms as may be agreed upon, a lot not exceeding one-half of one acre, for the purpose of erecting a church thereon.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 12th, 1875.

AN ACT

To authorize the Board of Public Works to construct a culvert and berme bank in section 19, of the Miami and Erie canal.

WHEREAS, By the construction of the Miami and Erie canal, a large tract of land along the line of section nineteen of said canal, in the county of Putnam, is constantly being overflowed by water and rendered worthless, and the health of the inhabitants of a large extent of adjacent territory greatly affected thereby; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works be and they are hereby authorized to build and construct one culvert and a berme bank in section nineteen of said canal, as the resident engineer may deem best, at a cost not exceeding twenty-five hundred dollars; Provided, however, that said culvert or berme bank is not to be built without first obtaining the written consent of the lessees of the said canal to allow their construction without claiming any damages resulting therefrom.

SEC. 2. This act shall take effect from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 12th, 1875.

AN ACT

To amend section one of an act entitled an act to authorize the trustees of Silver Creek township, Greene county, to loan certain money, passed March 18, 1871. (O. L., Vol. 68, p. 157.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Silver Creek township be and are hereby authorized to loan said sum of twelve hundred dollars, with the accruing interest thereon, from year to year, upon a collateral security of not less than the

amount loaned in United States registered bonds, or bonds of the state of Ohio, or unincumbered real estate of double the amount, exclusive of buildings, or upon such other securities, or in such other manner as shall be approved by all of said trustees, at a rate of interest not exceeding eight per cent. per annum, until the expiration of fifteen years from the date of maturity of said bonds; Provided, that nothing in this act shall be construed to release said township from the payment of said missing bonds, if duly presented for payment before the expiration of the fifteen years.

SEC. 3. That section one of an act to which this is an amendment, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 15th, 1875.

AN ACT

To provide for the removal of the seat of justice of Wood county from the incorporated village of Bowling Green to that of Perrysburg, in said county, and to authorize the Mayor and Town Council of the incorporated village of Perrysburg and the trustees of the township of Perrysburg, in said county, to donate and convey certain property in case of such removal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the taking effect of this section of this act, as herein after provided, the seat of justice in the county of Wood shall be removed from the village of Bowling Green, and shall be fixed, until otherwise provided by law, at the village of Perrysburg, in said county.

SEC. 2. That the foregoing section of this act shall take effect and be in force when and so soon as the same shall be adopted by a majority of all the electors of said Wood county, voting at the next general election after the passage thereof, as hereinafter provided.

SEC. 3. The electors of said Wood county, at the next general election after the passage of this act, shall place on their tickets the words "For Removal," or "Against Removal," to be deposited in a separate box to be provided for that purpose by the township trustees; and if a majority of all the electors of said Wood county voting at said election shall vote "For Removal," the first section of this act shall thereupon be considered to be holden and adopted by such majority: Provided that all tickets upon which the words "For Removal" shall not be indorsed or otherwise placed, shall be taken and considered as votes against removal as fully as though the words "Against Removal" were indorsed or otherwise placed thereon.

SEC. 4. That the judges and clerks of election in the several townships of said county at the said general election, shall cause all the votes that may be given for removal or against removal to be correctly counted in the same manner that other votes are by law required to be counted: (In doing which all tickets upon which the words "For Removal" shall not be

indorsed or otherwise placed shall be counted as votes against removal as fully as though the words "Against Removal" were indorsed or otherwise placed thereon :) and they shall enter and certify in the poll-books respectively of said general election the number of votes so counted for removal and the number so counted against removal, which poll books shall be returned and opened as required by the acts regulating said general elections and the opening of the returns thereof; and the officers opening the returns of said election shall, at the same time that they make, certify and sign the abstracts required by law, also make, certify and sign a separate abstract of all the votes so returned for removal or against removal, showing the number so given in each township and the footings or aggregate number so given in all the townships, which abstract shall forthwith be deposited in the clerk's office of said county, and by said clerk recorded in a book to be provided by him for that purpose, and kept by him as the other records in his office, which record, or a duly certified copy thereof, shall be taken and received as legal evidence for all purposes as the result of said voting.

SEC. 5. That in case a majority of electors in said county of Wood shall vote for removal, as hereinbefore provided, then and in that event the trustees of Perrysburg township, in said county, shall be and they are hereby authorized and required to donate and convey to the commissioners of Wood county, in trust for said county, the Perrysburg town-house, with the grounds on which it stands, being in-lots of said town of Perrysburg number two hundred and eighty-three (283) and two hundred and seventy (270), for the purposes of a court-house; and the mayor and town council of the incorporated village of Perrysburg are in like manner authorized and required to donate and convey to said commissioners, in trust for said county, the jail now in and owned by said village, with the grounds upon which it stands, being in-lot of said village number two hundred and ten (210), and the north half of in-lot number one hundred and ninety-nine (199), for the purpose of a county jail; and it shall be the duty of said commissioners, within forty days after such donation and conveyance or offer thereof, to remove all papers, records, offices and requisites for the transaction of the official business of said county to the court-house so provided in the village of Perrysburg as aforesaid; and from and after the expiration of said period of forty days, said incorporated village of Perrysburg shall be taken and held to be in law and in fact the county seat of Wood county aforesaid.

SEC. 6. It shall be the duty of the sheriff or coroner, as the case may be, to cause proclamation to be made to the qualified voters of said county, in the same manner and at the same time as by law he is required to do in other elections, notifying said electors to vote as aforesaid upon the question by this act submitted to them: Provided, however, that the omission to publish such proclamation shall not be deemed to impair the validity of any returns that are made in pursuance of section four of this act, and in such case the judges of election shall, nevertheless, return statements of the votes for and against said removal, as hereinbefore provided.

SEC. 7. The sections of this act subsequent to the first section shall take effect and be in force on the passage of this act.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 17th, 1875.

AN ACT

To authorize the Board of Education of the incorporated village of Lucas, Richland county, Ohio, to borrow money to build a school-house and to purchase a suitable site therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Lucas, Richland county, Ohio, be and they are hereby authorized to build a school-house in said village, and to purchase a suitable site therefor, at a cost not to exceed the sum of seven thousand dollars, exclusive of the cost of said site, as in their judgment shall be most conducive to the best interests of said village.

SEC. 2. That said board of education shall have power to issue the bonds of said village in an aggregate sum not exceeding said seven thousand dollars and the cost of said site, in sums not less than fifty nor more than one hundred dollars each, bearing interest at the rate of eight per centum per annum, payable annually, which said bonds shall be made payable in one, two, three, four, five, six, seven, eight, nine and ten years, one-tenth of the gross amount in each of said years; and said bonds shall not be sold for less than their par value, and shall not be dated nor bear interest prior to the date of their sale, and no interest, brokerage or commission shall be allowed said board of education, or any other person, for or in the sale of said bonds; said bonds shall be signed by the president of said board and countersigned by the clerk.

SEC. 3. For the purpose of paying said bonds, said board of education shall certify to the auditor of Richland county, Ohio, the sum necessary to pay that part of such bonds falling due in each year, together with the sum necessary to pay the interest east [each] year on those bonds subsequently due; and said auditor shall cause such sum, so certified by said board, to be necessary as aforesaid, to be levied upon the taxable property of said village, and the territory now or that may hereafter be annexed thereto for school purposes, and the same shall be collected as other taxes are or may be collected, and paid to the treasurer or other proper officer of said board; provided, that the officer of said board who receives said tax shall, before he receives any portion thereof, execute his bond, with approved sureties, in double the amount he is to receive, to the approval of the mayor and council of said incorporated village, and which, when so approved, shall be deposited with the mayor thereof for safe keeping, conditioned for a faithful collection, keeping and disbursement of said tax; and said board shall annually make a settlement of said tax collection and disbursement, which shall be reported to and approved by the council of said incorporated village; and, provided further, that said board of education shall first submit the question of tax, for the above named purpose, to the qualified electors of said incorporated village, at the annual spring election, or at a special election, having first given at least ten days' notice of the same, and the aggregate amount to be raised by such tax, by posting up in at least three of the most public places in said village, written or printed notices thereof in the English language. And if said board shall think best to hold a special election for this purpose, said notice shall also contain a statement of the time and place of holding said election.

SEC. 4. The electors of said election shall have written or printed on their tickets "Tax for school-house and site purposes—Yes," or "Tax for

school-house and site purposes—No,” and if a majority of all the electors voting at said election upon the question submitted shall vote tax—Yes, this act shall thereupon be considered to be adopted.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 17th, 1875.

AN ACT

To authorize the county commissioners of Muskingum county to levy an additional tax for certain purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Muskingum county be and they are hereby authorized and empowered to levy an additional tax on the grand duplicate of said county not to exceed one-half of one mill on the dollar each year, for the years eighteen hundred and seventy-five (1875) and eighteen hundred and seventy-six (1876), for the purpose of completing county jail and erecting sheriff residence in said county.

SEC. 2. Should there remain any surplus moneys, collected under the provisions of this act, in the treasury of said county, after said buildings are completed and paid for, the county commissioners are hereby authorized to transfer the same to the bridge fund of said county.

SEC. 3. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 17th, 1875.

AN ACT

To amend section eight of an act entitled “An act to provide for locating, establishing and constructing Ditches and Drains, above, through and below the Scioto marsh, in Hardin county,” passed January 6, 1873. (Vol. 70, page 310.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eight of an act entitled “An act to provide for locating, establishing and constructing ditches and drains, above, through and below the Scioto marsh, in Hardin county,” passed January 6th, 1873, be so amended as to read as follows:

Section 8. The commissioners of said county shall make an equitable apportionment of the costs, expenses, fees and compensation for property appropriated and damages allowed or assessed under the provisions of

this act, among the several owners of lands which will be benefited by the location and construction of such ditches and drains, and the deepening, widening and straightening of said river, in proportion to the benefit resulting therefrom to them respectively, and the same shall be levied on the lands of the owners so benefited in said proportions, and collected in the same manner as other taxes. And the said commissioners shall make a like equitable apportionment of the costs of the construction of such proposed ditches and drains, which shall be levied by the county auditor upon the lands benefited by the construction of such ditches and drains, and making such improvements in proportion to the benefit received by such lands, by entering upon the tax duplicate of said county against said lands, and the owners thereof respectively, the proportions so fixed and determined by the said commissioners, in installments running for four years, as follows : The first installment so soon as the same can be levied after said ditches and drains have been established ; the second installment in the year next following the first ; the third in the year next following the second, and the fourth in the year next following the third ; and said taxes so assessed and levied shall be denominated and known upon the books of the auditor and treasurer of said county as the Scioto Marsh Draining Fund, and the same shall be collected at the same time and in the same manner as other taxes. And for the purpose of raising money to defray the expenses of constructing said ditches and drains, and making said improvements, the said county commissioners are hereby authorized and empowered, if in their opinion the same be advisable, to issue the bonds of said county, payable out of said Scioto marsh draining fund, at such times and places as said commissioners shall deem advisable, which said bonds shall bear interest at the rate of eight per cent. per annum, payable annually ; Provided, that if from any cause it shall happen that any installment of the taxes provided for in this act shall not be required at the time the same would become due by the terms thereof, then the said county commissioners may cause the levy thereof to be omitted or deferred, and in case said levy has been made, they may direct the treasurer of said county not to enforce collections thereof, and the taxes so omitted may be levied and collected at such subsequent times as may be required by the progress of said work.

SEC. 2. That said original section eight be and the same hereby is repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 17th, 1875.

AN ACT

To create two election precincts in Lake township, Wood county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Lake, Wood county, Ohio, be and the same is hereby divided into two election precincts, as follows ; By a line running

through the center of the Hanley road from the north line of said township of Lake to the south line of said township. That the territory lying east of the center of said Hanley road shall constitute a separate election precinct in said township, in which the election shall be held at a town house, located at or near the Philips road, in the incorporated village of Millbury, in said township; and that the remainder of the territory lying west of the center of said Hanley road in said Lake township shall constitute another separate election precinct in which the election shall be held at such place as the township trustees shall designate.

SEC. 2. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 18th, 1875.

AN ACT

To authorize the trustees of Townsend township, Sandusky county, to levy a tax and issue bonds to pay an existing indebtedness.

WHEREAS, The trustees of Townsend township, Sandusky county, Ohio, neglected to levy taxes to meet the current expenses of said township; and,

WHEREAS, The said trustees having no means at hand to meet the indebtedness of said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Townsend township, Sandusky county, Ohio, be and they are hereby authorized to issue their bonds to the amount of five hundred dollars, at a rate of interest not to be greater than eight per cent., for the purpose of paying an existing indebtedness of said township, said bonds to be sold for not less than their par value, and made payable within a period not exceeding one year. And the trustees are authorized to make a levy of taxes on all the taxable property within the limits of said township, for the purpose of paying said bonds.

SEC. 2. That this act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 2d, 1875.

AN ACT

To authorize the village council of the incorporated village of Wilmington, Clinton county, to vacate a burying-ground situated in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of Wilmington, Clinton county, be and they are hereby authorized to have removed, at the

expense of said village, the remains of those buried in the "old graveyard," situated north of and adjoining the public school grounds, and that they vacate said graveyard as a burying ground forever. And the village council are hereby authorized to cause to be levied upon all the taxable property within the corporate limits of said village a sum sufficient to carry out the provisions of this act.

SEC. 2. This act shall take effect from its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 20, 1875.

AN ACT

To repeal an act entitled "An act to create a sub joint district for school purposes in the township of Marion, Mercer county, and Jackson township, Auglaize county, passed January 6, 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act be and the same is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 20, 1875.

AN ACT

For the relief of Godfrey Jaeger.

WHEREAS, On the twenty-fifth day of September, 1873, Godfrey Jaeger was then the duly elected and qualified treasurer of Ottawa county, Ohio, and as such treasurer had on deposit and for collection at the City Bank of Toledo, Ohio, certain drafts, checks and certificates of deposits, amounting in all to eight thousand nine hundred and twenty-four dollars, received by him as such treasurer in payment of the taxes of said county, and belonging to the said county; and on the twenty-fifth day of September, 1873, the said City Bank of Toledo failed, and is not able to pay more than a small percentage on each dollar of its indebtedness, and the said Godfrey Jaeger is not able, without great suffering, to pay said loss; and

WHEREAS, A large majority of the taxpayers of said county, interested in said funds so placed on deposit, by petitions to the general assembly, represent that said Godfrey Jaeger acted with reasonable business prudence and in good faith in receiving said drafts, checks, and certificates of deposits, and placing them on deposit and for collection at said City Bank of Toledo, as then, in said county, no reliable or safe and proper repository was provided for the safe keeping of the funds of said county, and the said Godfrey Jaeger was therefore not in any manner in fault in so doing, and ask that this general assembly do extend relief to said Godfrey Jaeger; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ottawa county are hereby authorized to release said Godfrey Jaeger and his sureties on his official bond, and from all other liability for the payment of said sum of \$8,924 so as aforesaid deposited with said City Bank of Toledo, provided that before said release shall be made, said Godfrey Jaeger shall assign and transfer to the commissioners of said county his claim against said City Bank of Toledo, for and on account of said money so by him deposited; and also provided, that before said release shall be made, the question shall be submitted to the qualified electors of said county of Ottawa, at a general or special election, notice of which shall have been given at least ten days prior thereto, by publication in the weekly papers published in said county, and putting up posters in at least three public places in each township or election precinct in said county and a majority of the electors voting thereon at said election, shall vote in favor thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 22, 1875.

AN ACT

To create a special school district in the townships of Erie and Carroll, in the county of Ottawa.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprised in sections six (6), seven (7) and eighteen (18) of Erie township, the south half of sections eleven (11) and twelve (12), the south-east quarter of section ten (10), the east half of sections fifteen (15), twenty-two (22) and twenty-seven (27), and all of sections thirteen (13), fourteen (14), twenty-three (23), twenty-four (24), twenty-five (25) and twenty-six (26), in Carroll township, in said county of Ottawa, be and the same is hereby created and declared to constitute a special school district.

SEC. 2. Written notices shall be posted in at least three of the most public places in said territory, signed by at least six electors residing in said territory, requesting the qualified electors thereof to assemble on a day at an hour and a place designated in said notices, then and there to proceed to elect three members to constitute a board of education, one for one year, one for two years, and one for three years, who shall hold their offices for the terms therein specified, and until their successors are elected and qualified.

SEC. 3. The said special school district shall be governed in all respects by such laws as are or may hereafter be in force relating to special school districts.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 23, 1875.

AN ACT

To authorize the council of the incorporated village of Hillsborough, Highland county to issue bonds and borrow money for the erection of public buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Hillsborough, in the county of Highland, Ohio, be and is hereby authorized, for the purpose of raising money for the erection of the public buildings in said village, the erection of which was provided for by an ordinance entitled "An ordinance to provide for the erection of public building," passed November 9, 1874, to issue and sell the bonds of said village, not exceeding twenty thousand dollars in amount, of such denomination as said council by ordinance shall provide, not less than fifty dollars nor more than five hundred dollars each, signed by the mayor and clerk of said village, payable at such time as said council shall determine, not exceeding fifteen years after date, bearing a rate of interest not exceeding eight per cent. per annum, payable semi-annually, and not to be sold in any event for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon as the same may become due, said council be and is hereby authorized and empowered to levy a tax on the taxable property of said village, in addition to the taxes now authorized by law, not exceeding two mills on the dollar in any one year, and the money so raised shall not be used for any other purpose than for the payment of said bonds and interest.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 23, 1875.

AN ACT

To authorize the commissioners of Mercer county to build a jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the commissioners of Mercer county be and they are hereby authorized to build a county jail at such place at the county seat of said county as in their judgment may be deemed best for the public good, at a cost not exceeding thirty-five thousand dollars.

SEC. 2. That said commissioners shall have power to issue bonds of said county for sums not less than one hundred dollars each, bearing interest at a rate not exceeding eight per cent. per annum, payable annually, and conditioned to be paid in one, two, three, four and five years, in equal amounts, but redeemable at the pleasure of said commissioners. Said bonds, in the aggregate, not to exceed thirty-five thousand dollars; Provided, that said bonds shall not be disposed of for less than their par

value. Said bonds shall be signed by said county commissioners, and countersigned by the auditor of said county, payable at the treasurers office, at said county, at maturity.

SEC. 3. That for the purpose of paying said bonds and interest thereon, said commissioners are empowered, in addition to levies now authorized by law, to levy a tax, annually, upon all the taxable property of said county sufficient therefor, but not exceeding two mills on the dollar of valuation on the grand duplicate of said county in any one year, which shall be placed on the duplicate of said county, and collected as other taxes levied by said commissioners; and it shall not be lawful for said commissioners to appropriate any of said fund for any other purpose than that for which it was levied.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 23, 1875.

AN ACT

To authorize the Incorporated Village of Orangeville, to issue bonds for the purpose of building a Town Hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Orangeville, in the county of Trumbull, be and they are hereby authorized to issue bonds, in any sum not exceeding the sum of two thousand dollars, for the purpose of erecting a town hall in said village; said bonds shall be signed by the mayor and countersigned by the clerk of said municipal corporation, and in sums of not less than fifty or more than one hundred dollars, bearing interest at a rate not exceeding eight per cent. per annum, payable annually, and principal payable proportionately in two, three and four years from the date of issue, provided that said bonds shall not be sold at less than their par value. Said council shall have authority to levy and collect a tax sufficient to pay the interest on said bonds and for a sinking fund to meet the principal as it falls due.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 23, 1875.

AN ACT

To authorize the Council of the incorporated village of New London, Huron county, Ohio, to sell certain real estate, and apply certain moneys to the payment of its bonded debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of New London, in Huron

county, Ohio, be and the same is authorized, if a majority of said council shall consent thereto, such consent to be given by the vote of such council at a regular session of the same, to sell at public sale, at auction, to the highest bidder, on thirty days public notice of day and place of sale, set up in three public places in said village, one on said lot, for not less than the appraised value by three freeholders of said village, under oath, for cash, or on credit, as the said council may direct, a certain vacant lot in said village belonging to said corporation, and apply the proceeds of such sale to the payment of the bonds now owned by said village.

SEC. 2. Said council is authorized to apply any money in the treasury of said village not belonging to the school fund, and not needed for the current expenses of said village, to the amount of three thousand (\$3,000) dollars to the payment of any such bonded debt of such village now due and payable.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 25, 1875.

AN ACT

To amend section five of an act entitled "an act regulating the Commercial Hospital of Cincinnati," passed March 11, 1861, (O. L., Vol. 58, page 151), as amended by an act passed March 1, 1870, (O. L., Vol. 67, page 120.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five (5) of said act be so amended as to read as follows:

Section 5. It shall be the duty of the faculty of the Medical College of Ohio, to visit and attend the patients in said hospital, and to render them proper medical and surgical advice and service without compensation therefor, in consideration of which said faculty shall have the privilege of introducing the pupils of said college into said hospital, under such regulations as the trustees may prescribe, to witness the medical and surgical treatment of patients. The trustees may make such provisions as to them may seem advisable, for medical and surgical advice and service to said patients additional to or other than that rendered by said faculty; but no compensation shall be paid therefor, except to medical attendants resident in the hospital. The trustees shall, under such regulations as they may prescribe, admit medical students, not pupils of said college, to witness the medical and surgical treatment of patients in said hospital. The trustees shall have the power, whenever they may deem it for the welfare of said patients so to do, to dismiss the faculty of said college from attendance on said hospital.

The trustees may affix to the introduction or admission into said hospital of the pupils of said college or other medical students, such fee as they may deem proper; but the same shall be alike to all, and shall be paid to the treasurer of the city of Cincinnati, and be used as a fund for

establishing and maintaining a medical library and museum for said hospital; and the said board of trustees shall, from time to time appropriate and apply said fund for the purchase of a library of scientific books and specimens, and illustrations directly connected with, and collateral to, the cultivation of medical and surgical science, which shall be open at reasonable hours to all physicians of the city of Cincinnati, and to all such pupils and medical students admitted to the privileges of said hospital, as aforesaid, free of charge. The trustees shall expend, annually, at least two-thirds of said fund for books, periodicals, and binding for said medical library, and the said medical library shall be kept in said commercial hospital of Cincinnati, but in the discretion of the board of trustees of the said commercial hospital of Cincinnati may be deposited in the fire proof building of the public library of Cincinnati; Provided, the managers of said public library shall receive it free of charge, provide separate alcoves or apartments for it, catalogue, and furnish a distinctive label to each book of said medical library, and keep it accessible to those entitled to its use. The trustees shall publish annually, a statement of the receipts and expenditures of said fund.

SEC. 2. That said original section five (5) of an act regulating the commercial hospital of Cincinnati, passed March 11, 1861, (O. L. Vol. 58, page 151), as amended by an act passed March 1, 1870, (O. L. Vol. 67, page 120), be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 27, 1875.

AN ACT

To create two election precincts in Liberty township, Highland county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all that portion of Liberty township, in the county of Highland, Ohio, lying and being north of the free turnpike running from east to west through said township, known as the Milford and Chillicothe turnpike, shall hereafter constitute a separate election precinct to be known as the north precinct of said township, and all that portion of said township lying and being south of said free turnpike, shall constitute another separate election precinct, to be known as the south precinct of said township.

SEC. 2. That the elections in both of said election precincts shall be held in the incorporated village of Hillsborough.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 27, 1875.

AN ACT

To authorize the commissioners of Paulding county to build a jail and to construct bridges across the Maumee and Auglaize rivers, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Paulding county be authorized to erect and construct a jail in said county, at a cost not to exceed twenty thousand dollars; and that they be authorized to construct and replace two bridges, one across the Maumee, and the other across the Auglaize river, both not to exceed in cost the sum of thirty thousand dollars; and the said commissioners are hereby authorized to issue bonds of said county, for the purpose of raising money for the erection and construction of the jail and bridges aforesaid, not exceeding fifty thousand dollars. Said bonds shall be made payable at such times and place, in or out of this state, as the commissioners of said county shall determine, which shall be named in said bonds; provided, that the principal shall be made payable within twenty years from their date, and redeemable, at the pleasure of the county commissioners, after ten years from their date.

SEC. 2. That said bonds shall bear interest at a rate not exceeding eight per cent. per annum, payable semi-annually.

SEC. 3. Said bonds shall be issued and signed by the county commissioners, and countersigned by the county auditor of said county, who shall keep and preserve a record of each bond issued, in a book especially provided for that purpose.

SEC. 4. That said bonds shall be issued in sums of not less than one hundred dollars, and have such coupons or interest warrants attached thereto, as the commissioners of said county may direct, and shall be made negotiable and transferable; and said bonds shall not be sold or disposed of, for less than their par value.

SEC. 5. The commissioners of said county shall, annually, at their June session, levy such amount of taxes as will pay the interest on such indebtedness, until the ninth year after the date of said bonds, when, and each year thereafter, they shall levy such amount of taxes as will pay the interest on such indebtedness and at least one-tenth of the principal.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 27th, 1873.

AN ACT

Supplemental to an act entitled an act to amend section one of an act entitled "An act to authorize the Commissioners of Franklin county to build a bridge across the Scioto River, in said county, and to levy a tax for that purpose," passed March 23, 1872. Vol. 69, Ohio Laws, p. 253.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after the passage of this act, it shall be lawful for the board of county commissioners of said Franklin county to build a bridge

across the Scioto river on the line of the Moler road, in Franklin township, in said county, or as near thereto north or south from said line, not exceeding one fourth of one mile, as said board may deem advisable, anything in said act to the contrary, notwithstanding; and said board of county commissioners are hereby authorized to appropriate to said purpose the money already realized from the levies authorized by said act, now in the treasury of said county, and in case said fund so collected, shall not be sufficient to build and construct said bridge, it shall be lawful for said board, in addition to said fund, to use so much of the general bridge fund of said county as may be necessary for said purpose, provided that the levy for general bridge purposes shall not be increased on account thereof.

SEC. 2. This act shall take effect and be in force from and after its passage,

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
[President] Speaker of the Senate.

Passed March 29th, 1875.

AN ACT

To authorize the Trustees of Crane township, Wyandot county, Ohio, and Buck township, Hardin county, Ohio, to transfer surplus money belonging to the poor fund to that of the township fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Crane township, Wyandot county, Ohio, be and they are hereby authorized to transfer one thousand dollars, a surplus sum now in the hands of the treasurer of said township, and which is not required or needed for poor purposes, to that of the township fund, and that the said one thousand dollars so transferred be used under the direction of the trustees of Crane township, Wyandot county, for township purposes. That the trustees of Buck township, Hardin county, be and they are hereby authorized to transfer permanently, all the surplus poor fund now remaining in the treasury of said township to the township fund of the said township, and that the same so transferred be used under the direction of the trustees of said Buck township, Hardin county, for township purposes.

SEC. 2. That this act take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29th, 1875.

AN ACT

To authorize the Board of Education of the incorporated village of Criderville, Auglaize county, Ohio, to borrow money and issue bonds for purchasing a site and building a school-house in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Criderville, Auglaize county, state of Ohio, are authorized to build a school house not to exceed in cost five thousand dollars.

SEC. 2. To meet the expenses of the building mentioned in the foregoing section, the said board of education are hereby authorized and empowered to issue bonds, to be signed by the president and countersigned by the clerk of said board, in sums of not less than one hundred dollars each, bearing interest not to exceed eight per cent. per annum, payable semi-annually, and the principal to be paid at a date not longer than ten years nor less than three years from the date of said bonds, as the said board may determine.

SEC. 3. The said board of education are hereby empowered to levy a tax, annually, on all the taxable property of said incorporated village of Criderville and territory attached for school purposes, sufficient to pay said bonds, together with the interest thereon, as they shall fall due, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30th, 1875.

AN ACT

To provide for a Park at the centre of Litchfield, Medina county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Litchfield, Medina county, Ohio, are hereby authorized to vacate and discontinue the public roads now passing through the square at the centre of the town, and to lay out and fence off a park in the centre of said square, and to lay out public roads around the outside of said park.

SEC. 2. Said park above provided for, shall be under the control of the township trustees.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the creation of a special school district in New Antioch, and territory thereto annexed for school purposes, in Clinton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprised in sub district number five (5), which includes the village of New Antioch, and territory thereto annexed for school purposes, in Green township, Clinton county, be and the same is hereby created and declared to constitute a special school district; Provided, that the school which has been heretofore established within the bounds of said sub-district for colored youth shall still remain under the control of the board of education of said township; and provided, further, that a majority of the electors residing within said territory shall vote in favor of said special school district at an election to be held in the manner following:

SEC. 2. Written notices shall be posted in three of the most public places in said territory, signed by at least six resident electors of said sub-district, requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least two hours, and shall not close before four o'clock P.M. The electors in favor of the proposed special school district shall write upon their ballots "School," and those opposed thereto, "No School," and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots in said election be found in favor of the special school district as aforesaid, the electors shall at once proceed to elect three members of the board of education; one for one year, one for two years and one for three years, who shall hold their offices for the terms therein specified, and until their successors are elected and qualified. The said special school district shall be entitled to all the school property belonging thereto, and said special school district shall be governed in all respects by such laws as now are or may hereafter be in force relating to special school districts, except as provided in section one of this act.

[SEC. 4] This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

•Passed March 30, 1875.

AN ACT

To authorize the trustees of Lick township, Jackson county, and the trustees of Liberty township, Clinton county, to divide said township each into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said township respectively be and they are hereby

empowered to divide said townships each into two election precincts, the manner of division, and the places of holding the elections to be fixed as in the judgment of the trustees shall be best.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To create a sub-school district in Hopewell township, Muskingum county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory hereinafter named, be and the same is hereby created and declared to constitute a sub-school district in the county of Muskingum, to wit: Commencing at the northwest corner of the farm owned and occupied by Basil Crammer, on the north line of said Hopewell township line, thence south one mile, thence east to Licking creek, thence up said creek to the north line of said township, thence west on said line of said Hopewell township to the place of beginning.

SEC. 2. That any moneys that may have been assessed and collected by virtue of an act entitled an act to create a sub-school district in Hopewell township, Muskingum county, passed May 3d, 1873, may be applied, as far as it will go, to the building of a school house in said sub-school district; and, provided further, that said sub-school district hereby created, shall not be changed, altered or consolidated by the board of education for the term of three years from the passage of this act.

SEC. 3. Said sub school district shall be organized, and in all respects, (except as herein specially provided,) governed by the laws that may be in force for the organization, supervision and maintenance of common schools in the state of Ohio at the time of the passage of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

Supplementary to an act entitled an act to enable the Board of Education of Worthington School District, in Sharon Township, Franklin county, to submit to the qualified voters thereof, the question of levying a tax to purchase a site and build a School House in said School District.

WHEREAS, The board of education of Worthington school district, in Sharon township, Franklin county, were authorized by an act passed May 1, 1871, (O. L., Vol. 68, page 195), to levy a tax for the purpose of building

a school house in said school district; and, whereas, said school house has been built and enclosed, but is not yet finished for the reason that said levy is insufficient for said purpose, and, whereas, the resident tax-payers and citizens of said school district desire the speedy completion of said school house; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of completing said school building, the board of education of said school district is hereby authorized to levy an additional tax of three thousand dollars upon the real and personal property of said school district, and to certify said levy to the auditor of Franklin county, who shall place one-half thereof on the tax duplicate of said school district for the year 1875, and the remaining one half on the said tax duplicate for the year 1876, which levy shall be continued upon said duplicate until said sum of money shall be fully realized, and the same shall be collected by the treasurer of said county in the same manner as other taxes are collected by him; and upon the faith of said additional levy, and in anticipation of the collection of said tax, said board of education is hereby authorized to borrow money and issue bonds in the name of said board, as provided in section three of said original act.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the trustees of Madison township, Franklin county, Ohio, to join with the councils of the incorporated villages of Groveport or Winchester, or either of them in said township, in the construction of town halls for the joint use of said township and villages, and to authorize private persons and incorporated societies to join with them in the construction of said halls.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Madison, Franklin county, Ohio, and the council of the incorporated village of Groveport, be and they are hereby authorized to join in the purchase of grounds for the construction of a town hall in the said village of Groveport, for the joint use of said township, village and the election precinct in which said village is situated in such manner as the said trustees and council shall agree and stipulate in regard to such joint occupancy.

SEC. 2. That said trustees and village council be and are hereby authorized for the purpose of building said town hall in said village to issue bonds of said township in sums not less than fifty dollars each, bearing interest at eight per cent. payable annually, which said bonds shall be made payable in one, two, and three years, in equal installments; provided, that said bonds shall not be disposed of for less than their par value; said bonds to be signed by the said trustees and the clerk of said township, and the said trustees shall, when it shall become necessary to levy a tax to pay said bonds and interest thereon, certify that fact to the

auditor of said Franklin county, and said auditor shall cause said sum, so certified by said trustees, to be levied upon the taxable property of the election precinct in which said village is situated, and the same shall be collected like other taxes and shall be applied to the payment of said bonds and interest; provided, that said trustees shall first submit the question of building such town hall and levying said tax for the above named purpose to the qualified electors of said election precinct at a general or special election having first given at least five days notice of the same by pasting up notices in at least three of the most public places in said election precinct.

SEC. 3. The electors voting at said election shall have written or printed on their tickets "Tax for Town Hall purposes—Yes," or "Tax for Town Hall purposes—No"; and if a majority of all the electors voting at said election upon the question submitted shall vote tax yes, said town hall shall be built and tax levied as above provided.

SEC. 4. That said trustees and village council, in the construction of such hall, may enter into such arrangement as they shall jointly see fit, with any person or persons, or incorporated society, whereby such person or persons, or society may assist in the construction of such hall, and in paying a part of the expense thereof in consideration whereof such person, persons or society may have, own and occupy such rooms in said hall as shall be agreed upon by and between them and said trustees and town councils.

SEC. 5. If the said trustees and village councils shall enter into an agreement as provided for by this act, either between said trustees and said village council or between said trustees and village council and other person, persons or society as provided in this act, the said agreement shall be reduced to writing, and shall show,

First—The amount of money put into or to be put into such hall by the said trustees, by the said village council and by such private person or persons, or such society, and shall separately state each sum.

Second—The part or parts, room or rooms, of such hall to be separately owned by such trustees, village council and private person, persons or society, and whether to be occupied jointly or severally.

Third—As to the legal title to the land or lot on which such hall shall be constructed, and how, and in whom such legal title shall be held; and such agreement shall be signed in triplicate by said trustees, village councils and private person, persons, or such society, one copy of which shall be delivered to the trustees of said township, the council of said village and to the person, persons or society, as aforesaid, and such written agreement shall be evidence of the respective interest and rights of said parties in and to such hall.

SEC. 6. The said trustees and the council of the incorporated village of Canal Winchester, are hereby authorized to build a town hall at said village under the provisions and condition of the above sections of this act; provided, that any bonds issued for building said hall shall be paid, with the interest thereon, by a tax levied on the taxable property of the election precinct in which said incorporated village of Canal Winchester is situated, and that the qualified electors of said precinct shall first vote on the tax question as above provided.

SEC. 7. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the Commissioners of Lawrence county to build a court house and jail and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Lawrence county are hereby authorized to construct and erect a court house and jail at the county seat of said county, on or near the site of the old court house, at a cost not to exceed one hundred thousand dollars.

SEC. 2. That the commissioners of said county, for the purpose of building said court house and jail, are hereby authorized to borrow such sum or sums of money as they shall deem necessary, at a rate of interest not to exceed eight per cent. per annum, and issue the bonds of said county to secure the payment of the principal and interest thereon; such interest shall be paid semi-annually, at the county treasury; and the principal shall be paid at such treasury, at such times as the commissioners may prescribe, within ten years from the date of such indebtedness; said bonds to be sold for not less than their par value.

SEC. 3. That the bonds so issued shall be signed by the commissioners, or any two of them, and countersigned by the auditor, with or without coupons attached, in sums not less than fifty dollars, nor more than one thousand dollars each, payable to the bearer at the county treasury with interest as aforesaid, at such times not exceeding ten years after date, as the commissioners may prescribe, and such bonds shall specify distinctly the object for which they were issued.

SEC. 4. That all contracts in pursuance of this act shall be made in accordance with the provisions, requirements and stipulations of an act to authorize commissioners to build and erect court houses, jails, infirmaries and bridges, etc., and acts amendatory thereto, passed and took effect April 27th, 1869; Ohio Laws, Vol. 66, page 52.

SEC. 5. The commissioners shall annually, at their June session, levy such amount of taxes as will pay the interest on such indebtedness, and at least one-tenth of the principal.

SEC. 6. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To extend the time of payment for School Lands in section sixteen, Madison township, Vinton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time of payment for school lands heretofore sold in section sixteen, in Madison township, Vinton county, is hereby extended for three years from the time the payments severally become due, provided the interest shall be paid annually.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the council of the incorporated village of Greenfield, Highland county, to issue bonds and borrow money for the erection of public buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Greenfield, in the county of Highland, Ohio, be and is hereby authorized, for the purpose of raising money for the erection of public buildings in said village, to issue and sell the bonds of said village, not exceeding fifteen thousand dollars in amount, of such denomination as said council, by ordinance, shall provide, not less than fifty dollars nor more than five hundred dollars each, signed by the mayor and clerk of said village, payable at such time or times as said council shall determine, not exceeding fifteen years after date, bearing a rate of interest not exceeding eight per cent. per annum, payable semi-annually, and not to be sold in any event for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, as the same may become due, said council be and is hereby authorized and empowered to levy a tax on the taxable property of said village, in addition to the taxes now authorized by law, not exceeding two mills on the dollar in any one year, and the money so raised shall not be used for any other purpose than for the payment of said bonds and interest.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the trustees of Green Camp township, Marion county, Ohio, to levy a tax to pay existing indebtedness, and to issue bonds and borrow money of the payment of the sum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Green Camp township, Marion county, Ohio, be and

they are hereby authorized, for the purpose of paying the existing indebtedness of said township, to borrow the sum of fifteen hundred dollars (\$1500), and at a rate of interest not to exceed eight per cent. per annum, payable annually, and said trustees may issue their bonds for the payment of the money so borrowed, payable at such time, within three years, as they shall deem best.

SEC. 2. For the purpose of paying said bonds, with the interest, as the sum becomes due, the trustees of said township of Green Camp are hereby authorized and empowered to levy a tax upon all the taxable property of said township, both real and personal, at such times and in such amounts as may be necessary, to be paid in three years from the first of April, eighteen hundred and seventy five (1875), and the same may be certified by said trustees to the county auditor, by whom the same shall be entered upon the duplicate of said county of Marion, and collected as other taxes, and the money so raised shall be paid over to the treasurer of said township, to be paid out by him on the order of the township trustees, certified by the township clerk.

SEC. 3. The bonds authorized to be issued by this act, shall be signed by the entire board of trustees, and attested by the township clerk, who shall also keep a record of the same.

SEC. 4. This act shall take effect from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To repeal an act entitled "An act to appoint commissioners to establish section lines, corners and quarter posts in the townships of St. Joseph, Center and Pulaski, in the county of Williams," passed February 8, 1847, (O. Laws, Vol. 45, page 145.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act be and the same is hereby repealed; Provided, that the repeal of said act shall not in any manner invalidate or impair any act or thing done under and in pursuance thereof prior to the taking effect of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

Providing for the sale of section 29, in town. 4, and range 2 of the original surveyed township, between the Miami rivers in Warren county, state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the lessee, sub-lessee, or any assignee of any lessee or sub-lessee, having either a legal or equitable interest in section

twenty-nine, in town four, and range two of the original surveyed township, between the Miami rivers, in the county of Warren, state of Ohio, (ministerial section), or of, or in any portion or parcel of said section, to pay to the treasurer of said Warren county, upon the warrant of the auditor of said county, the price per acre for said section at which the same was valued at the last appraisement thereof made in pursuance of law for fixing the rental value; and upon presentation of the certificate of the said treasurer that such payment has been made, to the governor of the state of Ohio, to demand of him a deed in fee simple for the same.

SEC. 2. That the governor of the state of Ohio, on presentation of the certificate required by the first section of this act, shall immediately make, execute and deliver a deed in fee simple for the tract or parcel so as aforesaid paid for to the purchaser thereof, named in said certificate, which deed so made shall be valid and in all respects lawful.

SEC. 3. The treasurer of Warren county, Ohio, shall make such investment of the funds realized from the sale of the lands in said section twenty nine, under the provisions of this act, in state or United States bonds, or on real estate mortgage security, as the commissioners of said county may direct and the interest derived from such investments shall, on the warrant of the auditor of said county, be paid to the parties who may be entitled to the same.

SEC. 4. That this act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To provide for a Park at the centre of Mantua, Portage county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Mantua, Portage county, Ohio, are hereby authorized to vacate and discontinue the public roads now passing through the square at the centre of the town, and to lay out and fence off a park in the centre of said square, and to lay out public roads around the outside of said park.

SEC. 2. Said park above provided for, shall be under the control of the township trustees.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To transfer the Military Commutation Fund of Jefferson county to the use of the Fourth Battalion of Independent Ohio Militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Jefferson county be and they are hereby authorized to transfer the military commutation fund (two hundred dollars) of said county to the use of the fourth battalion of independent Ohio militia for the purpose of leasing and furnishing an armory.

SEC. 2. This act shall be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

Authorizing an increase of the number of the board of education of special school district No. 11, in Anderson township, Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the electors of special school district No. 11, in Anderson township, Hamilton county, are hereby authorized to proceed to change the number of members of the board of education of said district from three to six, in the manner prescribed for changing the number of the members of boards of education in city districts of the second class, and village districts, in section twenty-one of "An act for the reorganization and maintenance of common schools," passed May 1, 1873.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the creation of a special joint school district composed of parts of Clay and Jackson townships, Knox county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprised in sub-district number one; also the following described territory, to wit: Beginning on line between Clay and Jackson townships at the northeast corner of the lands of George W. Porterfield; thence west to southeast corner of the lands of T. N. Mills; thence north and northwest along Mt. Vernon road to Tomaky run; thence

north on the west line of the lands of Samuel Harris to the northwest corner; thence east on said line to the lands of James Edmiston; thence north to the northwest corner of said lands; thence east to said township line; thence south to the place of beginning in Clay township, Knox county, and sub district number four in Jackson township, Knox county, Ohio, be and the same is hereby created and declared to constitute a special school district; provided, however, that a majority of the electors residing within said territory, shall vote in favor of said special school district at an election to be held in the manner following:

SEC. 2. Written notices shall be posted in at least six of the most public places in said territory, signed by at least six resident electors of the same, requesting the qualified electors thereof to assemble on a day, at least five days from the day of posting, and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least four hours, and shall not close before six o'clock P.M. The electors in favor of the proposed special school district shall write upon their ballots "School—Yes," and those opposed thereto, "School—No," and a two thirds majority of the ballots so cast shall determine the question whether or not the proposed special school district shall be created.

SEC. 3. Should a two thirds majority of the ballots in said election be in favor of the special school district aforesaid, the electors shall, on the second Monday of April next after the passage of this act, proceed to elect three members of the board of education, one for one year, one for two years and one for three years, who shall hold their office for the terms therein specified, and until their successors are elected and qualified. The said special school district shall be governed in all respects by such laws as now or may hereafter be in force relating to special school districts.

SEC. 4. This act to take effect from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the Commissioners of Ottawa county to levy a tax to improve the navigation of the Portage River.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ottawa county, in this state, be and hereby are authorized to levy an additional tax upon the taxable property of said county, at their June session in the years 1875 and 1876, not to exceed the sum of five-tenths of one mill on the dollar, for the purpose of completing the improvement of the channel of the Portage river, in said county, as may be necessary for the removal of sand-bars, to deepen the channel, or to build and fill such cribs to confine the water at or near the mouth of said river in the channel to its confluence with lake Erie; Provided that the county commissioners shall first submit the question of "extra tax" or "no extra tax" to the qualified electors of the county, at

a general or special election, after having given at least thirty days' notice of the same, in two or more newspapers having a general circulation in said county. All persons voting at said election upon said question, shall have written or printed on their ballots "Extra tax, Yes," or "Extra tax, No," and if a majority of said ballots cast at said election, have written or printed on them "Extra tax, Yes," then said commissioners may proceed to levy the tax herein provided for.

SEC. 2. That the money so raised shall be expended by said county commissioners as the same may be needed for the purposes aforesaid, and shall not be used for any other purpose; Provided that nothing in this act shall prohibit the said county commissioners from permitting the council of Port Clinton to superintend the work and expenditure of any money under the provisions of this act.

SEC. 3. This act shall take effect on its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To enable the trustees of the "Church of the United Brethren in Christ" in Goodhope township, Hocking county State of Ohio, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Amos Beery, Jacob A. Mathias and Jacob Roades, trustees of the "United Brethren Church in Christ," in Goodhope township, Hocking county, Ohio, be and they are hereby authorized and empowered to sell and convey in fee simple certain real estate, on which is a church belonging to them in said township, to wit: Beginning at the forks of the road, where the Logan road leaves the Lancaster road, in the center of said Lancaster road, running ten (10) rods a southerly course with the Lancaster road, thence eight (8) rods east, thence ten (10) rods a northerly course, and parallel with the first side, to the center of the Logan road, thence eight (8) rods west to the place of beginning, situate in the southeast quarter of the south east quarter of section thirty-three (33), township thirteen (13) of range eighteen (18), containing eighty (80) square rods, to such purchaser or purchasers as said trustees may see fit, and the proceeds of such sale to invest in a new church property for said church of "United Brethren in Christ," in said township and county, it being the intent and meaning of this act to authorize the sale and conveyance of the lot of land deeded by Joseph C. McBroom and Maria McBroom to the former trustees and their successors, August 15, A. D. 1857, for the use of the "United Brethren Church in Christ."

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the Trustees of Perry township, Lake county, to levy an additional tax for completing a town hall.

WHEREAS, The trustees of Perry township, Lake county, Ohio, did, on the fourth day of April, 1874, submit the question of erecting a town hall to the electors of said township; and,

WHEREAS, The question so submitted was carried, by a vote of nearly three-fourths of said electors; and,

WHEREAS, The said trustees find that the tax of two thousand dollars now authorized by law is insufficient to complete such a hall as the people desire; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Perry township, Lake county, Ohio, be and they are hereby authorized to levy a tax upon the taxable property of said township, in excess of that now authorized by law, sufficient to raise an additional amount, not exceeding two thousand dollars, for the purpose of completing a town hall, in accordance with the vote of April, 1874, which tax shall be certified and collected as provided for by statute in such cases.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the creation of a special School District in Unity township, Columbiana county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprised in sub district number six (6) in said Unity township, be and the same is hereby created and declared to constitute a special school district; Provided, however, that a majority of the electors residing within said territory, shall vote in favor of said special school district at an election to be held in the manner following:

SEC. 2. Written notices shall be posted in three of the most public places in said territory, signed by at least six resident electors of said sub-district; requesting the qualified electors thereof to assemble on a day, and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district, which notices shall be so posted up at least ten days next prior to the day designated therein for the said meeting; the electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks who shall be judges of said election, which shall continue for at least two hours, and shall not close before four o'clock P. M. The electors in favor of the proposed special school district shall write upon their ballots, "School," and those opposed thereto, "No school," and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots in said election be found in favor of the special school district as aforesaid, the electors shall at once proceed to elect three members of the board of education, one for one year, one for two years, and one for three years, who shall hold their offices for the terms therein specified, and until their successors are elected and qualified. The said special school district shall be entitled to all the school property and funds belonging thereto, including the levy of twelve hundred dollars made by the township board of education of said township in 1874, for the special purpose of aiding the said sub-school district number six (6) of said Unity township, to purchase a school-house site and build a school-house in said sub district; and said special school district shall be governed in all respects by such laws as now or may hereafter be in force relating to special school districts.

SEC. 4. This act to take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

For the relief of David L. Wood, ex-Quartermaster-General of the State.

WHEREAS, A joint resolution passed the general assembly of the state January 10, 1861, authorizing and directing the payment to the quartermaster-general (David L. Wood) such sum and rate per diem as was appropriated for payment of armorer, which said sum, amounting to four hundred and thirty-three dollars and fifty cents, although acknowledged to be justly due to said David L. Wood, the auditor of state refused to pay because said joint resolution did not have the force of an act of the general assembly as required by the constitution in the appropriation of money from the treasury of the state; and,

WHEREAS, An act of the general assembly, passed April, 1861, provided that the adjutant-general of the state and the quartermaster-general of the state should, from and after the passage of this act, receive the same pay as a brigadier-general in the United States services; and

WHEREAS, The said David L. Wood continued in the service of the state as quartermaster general from and after the passage of said act, until his resignation of said office, October 15, 1861, on account of receiving a commission in the United States army, for which services from the date of the passage of said act of April, 1861, to the date of said resignation, he was justly entitled to receive from the state the sum of thirteen hundred and ninety-two dollars, being at the rate, for the time employed, two hundred and thirty-two dollars per month, the same amount as was allowed and paid to the adjutant-general of the state, for the same period of time by special act of the general assembly, in accordance with the provisions of the act of April, 1861; and,

WHEREAS, The said David L. Wood has not been paid for his services as aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any money in the state treasury for general revenue purposes the following: For the payment of

David L. Wood in full settlement of all dues from the state, the sum of eighteen hundred and twenty-five dollars and fifty cents, with interest from October 15, 1861; Provided, that from said sum shall be deducted the sum of three hundred dollars paid the said David L. Wood, by the auditor of state on account of salary, and the further sum of two hundred and sixty dollars and twenty-five cents, paid the said David L. Wood by the quartermaster-general on account of commutation of quarters, with the interest on the amount so paid from October 15, 1861; provided, further, that there shall be deducted from the amount herein appropriated an amount equal to any further sum of money or pay which said David L. Wood shall have received for services as quartermaster-general from the governor, auditor, or quartermaster-general of the state, or from the general government on account of salary or otherwise for services rendered, or claimed to have been rendered the United States during the time for which services are claimed by the provisions of this act. Such sum as may be due under the provisions of this act shall be paid on the order of the auditor of state.

SEC. 2. This act shall take effect from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To create a special school district in Kirtland township, Lake county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprised in sub-district number one, in Kirtland township, Lake county, be and the same is hereby created and declared a special school district; provided, that a majority of the electors residing within said territory shall vote in favor of said special school district, at an election, printed or written notices of which, signed by at least six resident electors of said sub-district, shall have been posted, at least ten days, in three of the most public places in said territory, requesting the qualified electors thereof to assemble, on a day and at an hour and place designated in said notice, then and there to vote for or against the creation of said special school district.

SEC. 2. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall act as judges of said election, which shall continue at least three hours, and shall not close before five o'clock p. m.; and the ballots used shall have printed or written thereon the words "Special District—Yes," or "Special District—No"; and the majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots cast at said election be found in favor of a special school district as aforesaid, the electors of the special district shall at once proceed to complete an organization as provided by law; and the said special district shall be entitled to all the school prop-

erty belonging thereto, and shall be governed in all respects by such laws as now are, or may hereafter be, in force relating to special school districts.

SEC. 4. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the council of the incorporated village of Defiance to issue bonds and borrow money for building purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Defiance, Defiance county, be and they are hereby authorized and empowered to issue bonds not to exceed twenty-five thousand dollars, bearing a rate of interest not to exceed eight per cent. per annum, to be of such denominations as the said council may determine, not less than one hundred dollars; said bonds shall be signed by the mayor, and countersigned by the recorder of said village, and shall be payable at any time or times said council may determine, not to exceed fifteen years, and shall not be sold for less than their par value; the interest to be paid semi-annually; and the money arising from the sale of such bonds shall be applied to the purchase of a lot and erection thereon of a building for a prison and offices for the use of said village, and for no other purpose.

SEC. 2. Said council shall have power, and it is hereby made their duty after the issuing of said bonds, to levy on the taxable property of said incorporated village during the running of said bonds sufficient to pay the interest semi-annually and principal of said bonds as they may become due, and shall certify to the auditor of the said county the per centage by them levied necessary for the payment thereof, and the auditor shall place the same on the duplicate of taxes, and shall collect the same as other taxes, and the money arising from such tax shall be applied to the payment of the interest and principal of said bonds, and for no other purpose whatever.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

Relating to section twenty-nine, township four, fractional range one, Miami Purchase, in the original surveyed township of Cincinnati, in the county of Hamilton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any sub-lessee, or any assignee of any sub-

lessee of or for any person or persons having either an equitable or legal interest in section twenty-nine, township four, fractional range one, in the Miami Purchase, in the county of Hamilton (ministerial section), or of or in any portion or parcel of said section, to pay to the treasurer of the city of Cincinnati, upon the warrant of the city auditor of said city, the price per acre for said section at which the same is valued in the lease given to the original lessee by the trustees of said township four, fractional range one, and recorded in Deed Book No. 2, page 205, of the records of the county aforesaid; and upon presentation of the certificate of the said treasurer that such payment has been made, to the governor for the time being of the State of Ohio, to demand of him a deed in fee simple for the same.

SEC. 2. That the governor for the State of Ohio, on presentation of the certificate required in the first section of this act, shall immediately make, execute and deliver a deed in fee simple for said section to the owner and holder of said certificate, which deed so made shall be valid, and in all respects lawful:

SEC. 3. Upon demand and payment of his, her or their proportion of the costs, each and every co-sub-lessee, assignee or person or persons having a legal or equitable interest aforesaid, shall be entitled to and receive from the person to whom said deed from the governor may have been executed and delivered, a quit-claim deed for his, her or their portion, parcel or interest of or in said ministerial section.

SEC. 4. That the treasurer of the city of Cincinnati shall make such investment at interest of the fund paid to him by virtue of this act as the common council of said city, from time to time, may direct, and shall, upon the warrant of the city auditor of said city, distribute the interest from such fund to the parties who may be entitled to the same.

SEC. 5. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

To create two election precincts in Adams township, Seneca county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Adams, in Seneca county, Ohio, be and the same is hereby divided into two election precincts, as follows:

Sections four (4), five (5), six (6), seven (7), and eight (8), shall constitute and be known as the Green Springs Voting Precinct, and the remaining sections shall constitute and be known as the Adams Township Voting Precinct.

SEC. 2. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

For the relief of Walter Crook.

WHEREAS, Walter Crook was in the spring of 1873 elected treasurer of Butler township, Montgomery county, Ohio, and was by statute enactment the custodian of the school fund of said township (except the Vandalia school district, an independent school district in said Butler township); and

WHEREAS, The trustees of said Butler township having failed to supply their treasurer with a safe and proper means for keeping their funds, and when the said Walter Crook was required by the treasurer of Montgomery county aforesaid to receive the school funds of said township (except the funds of the independent school district aforesaid), he, the said Walter Crook, deeming it prudent and for the best interests of said township, pursued the course customary with his predecessors, and deposited said funds with the old established banking house of Harshman & Gorman, at Dayton, Ohio, for safe keeping, and for the use of the schools of that portion of the said Butler township aforesaid; and

WHEREAS, The said banking house of Harshman & Gorman, in the month of October, 1873, became insolvent and suspended payment, having in their possession at the time of such failure two thousand three hundred dollars and eighty-two cents of the school funds belonging to that portion of the township aforesaid; and

WHEREAS, The said Walter Crook has, since that time, sold or incumbered his property to make good to the taxpayers of said portion of said township aforesaid; and

WHEREAS, A large number of taxpayers of said township, interested in the funds so deposited, have petitioned this general assembly to relieve the said Walter Crook and his sureties, representing that he acted with reasonable prudence and in good faith in the deposit of said money; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That at the next general or special election, the trustees of Butler township, Montgomery county, Ohio, are hereby authorized and it is made their duty to notify the qualified electors of said Butler township (the Vandalia independent school district not included) that they will be called upon to vote upon the question of relief to the said Walter Crook and sureties at such election; and that it is further provided, that said trustees of the said Butler township are hereby required to give at least twenty days' notice thereof preceding such election, by posting said notice in at least three public places in said township. The ballots at said election shall be voted in form as follows: "For relief to Walter Crook, Yes," or "For relief to Walter Crook, No," and if two-thirds of the qualified electors of said township shall vote for relief to Walter Crook, yes, then the trustees shall levy a tax on the taxable property of that said portion of Butler township, other than the said Vandalia independent school district aforesaid, for the amount lost by said deposit with Harshman & Gorman, and certify the same to the auditor of Montgomery county as other taxes.

SEC. 2. That in case said relief is voted to the said Walter Crook and his sureties, it is provided that before release shall be made, the said Walter Crook shall assign to the township trustees, for the use of the parties in interest, his claim against said Harshman & Gorman for the money by him deposited as aforesaid; and it is further provided, that if

the said Walter Crook or his sureties have paid only a portion of the amount so deposited as aforesaid, then they shall be entitled to receive just the amount so paid and no more, and the balance of funds collected upon said levy shall belong to the school fund of said portion of Butler township aforesaid.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 30, 1875.

AN ACT

For the relief of Norwalk township, Huron county.

WHEREAS, In the year A. D. 1872, the township trustees of Norwalk township, Huron county, levied a tax to pay the interest on certain railroad bonds, issued under an act entitled "An act to authorize counties, cities, incorporated villages and townships to build railroads, and to lease and operate the same" (O. L., Vol. 69, page 84), the said law having been declared unconstitutional by the supreme court of Ohio, the tax so levied and collected amounting to about the sum of six thousand dollars, and remaining in the treasury of said township unappropriated; and

WHEREAS, The Huron county agricultural society has purchased, under a contract, thirty acres of land in Norwalk township, at a cost of six thousand dollars, put valuable improvements thereon, amounting to six thousand dollars, and still owe upon said land and improvements the sum of about six thousand dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Norwalk township, Huron county, be and are hereby authorized and empowered to appropriate the amount of tax, levied and collected for the purpose of paying the interest on certain railroad bonds, issued by authority of an act entitled "An act to authorize counties, cities, incorporated villages and townships to build railroads, and to lease and operate the same" (O. L., Vol. 69, p. 84), to pay for thirty acres of land purchased by the Huron county agricultural society. That upon the payment by said trustees of said sum of money to said agricultural society, they, the said trustees, shall take a deed for said land; Provided, however, that before the transfer of said funds shall be made, the trustees of said township shall submit the question to the voters of said township, at a special or general election, by giving at least ten days' notice thereof, at which the ballots voted shall contain the words, "Transfer of funds, Yes," or "Transfer of funds, No;" if a majority of said votes shall contain the words "Transfer of funds, Yes," then the transfer of said funds shall be lawful, otherwise this act shall be of no effect.

SEC. 2. That said trustees be hereby authorized and empowered to lease said lands, so purchased, to said agricultural society for a term of years, or so long as said society shall use the same, for a nominal rental per annum.

SEC. 3. That if at any time said agricultural society shall abandon or

fail to use said land, the trustees of said township are hereby authorized and empowered to appropriate the same for a public park.

SEC. 4. This act shall take effect from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

Authorizing the County Commissioners of the county of Summit to levy taxes for building an addition to the county infirmary, and to borrow money and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Summit be and they hereby are empowered and authorized to levy a tax of any amount they may deem necessary, not exceeding ten thousand dollars, upon the taxable property of said county, for the purpose of constructing and furnishing an addition to the county infirmary of said county, to be collected by the county treasurer upon the grand duplicate as other taxes, and to be paid out upon the order of the county commissioners.

SEC. 2. That for the purpose of anticipating the collection of taxes provided for in the first section of this act, the said county commissioners be and they are hereby authorized to borrow any sum of money not exceeding ten thousand dollars, at a rate of interest not exceeding eight per cent., and to issue bonds therefor, payable at any time not exceeding two years from the date thereof, and to be sold for not less than their par value.

SEC. 3. That this act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

To authorize the trustees of Union township, Fayette county, Ohio, to divide said township so as to create two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Union township, Fayette county, Ohio, be and they are hereby authorized and empowered to divide said township so as to create two election precincts within said township; both of said election precincts shall be within the incorporated village of Washington, and shall be provided by said trustees.

SEC. 2. The provisions of an act to amend sections one and two of an act to provide for the division of townships into election precincts, passed

March 4, 1853, and as amended April 2, 1868, (S. & S., 913,) shall be strictly followed and observed by said trustees, and all powers and duties conferred by said act upon county commissioners to act in the premises, are hereby made to apply to the trustees of Union township, Fayette county, Ohio, for the purposes aforesaid.

SEC. 3. It shall be the duty of said trustees after receiving the report of said freeholders, to read the same publicly, and, here being no remonstrance against said division, to declare said township so divided, and said election precincts established; but if twenty-five freeholders, electors of said township, shall remonstrate against said division, then said trustees shall hear and determine the said matter therein, and make such order for or against such division as they may think just and proper.

SEC. 4. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To authorize the Commissioners of Tuscarawas county to build a new bridge near Gnadenhutten.

WHEREAS, The bridge across the Tuscarawas river, near Gnadenhutten, has recently been destroyed by flood, and the restoration of said bridge being necessary for the public accommodation; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Tuscarawas county be and they are hereby authorized to build a new, suitable and substantial bridge on the present site of the Gnadenhutten river bridge, across the Tuscarawas river on the road leading from Gnadenhutten to Lock seventeen, in Tuscarawas county, and to make approaches thereto; and for the purpose of constructing said bridge and making said approaches, said commissioners shall be empowered annually during the years 1875 and 1876, at their June sessions of each of said years, to levy a tax not exceeding one mill on the dollar for the years 1875 and 1876, in addition to the levies for road and bridge purposes now authorized by law, upon all the taxable property of said county, to be expended under their direction and control in constructing said bridge and making said approaches.

SEC. 2. That the county commissioners of Tuscarawas county, Ohio, be and they are hereby authorized to issue the bonds of said Tuscarawas county, in anticipation of the collection of the taxes hereby authorized to be levied, for the purpose of rebuilding said bridge, at a rate of interest not exceeding eight per cent. per annum; such interest shall be paid semi-annually from the date thereof at the county treasury, and the principal shall be paid at said treasury at such times as the commissioners may prescribe, within two years from the first day of September, A.D. 1875, and which bonds the commissioners are not authorized to sell at less than their par value.

SEC. 3. That the bonds so issued shall be signed by the commissioners or any two of them, and countersigned by the auditor, and shall be

issued in sums of not less than one hundred dollars nor more than one thousand dollars, each payable to bearer at the county treasury, with interest as aforesaid, at such times, not exceeding two years after date, as the commissioners may prescribe, and such bonds shall specify the object for which they were issued.

SEC. 4. That the interest accruing on said bonds shall be paid out of the fund created by the levies hereby authorized.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To authorize the transfer of certain funds therein named, now in the county treasury of Clinton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clinton county be and they are hereby authorized to permanently transfer thirteen thousand dollars, now in the county treasury belonging to the building fund, to the bridge fund of said county.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate

Passed March 29, 1875.

AN ACT

To provide for the straightening, clearing out, widening, deepening, and otherwise improving of certain ditches, drains, water-course or courses in Wood county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Wood county, Ohio, shall have power at any regular or called session, whenever in their opinion the same is demanded by, or will be conducive to the public health, convenience or welfare, or for the drainage of public roads or lands in said county, to cause to be cleared out, widened, deepened, straightened, constructed and improved as hereinafter provided, a certain ditch or ditches, drain or drains, or water-course or courses, known and designated as ditch number 163 and ditch number 64, forming a continuous line along or near the bed of a creek, known as Rocky Ford creek, commencing at the county line, about eighty rods west of the south-east corner of section number thirty-five (35), township number four (4), north, range number ten (10),

east, in Wood county, Ohio, in the bed of said ditch or water-course; thence along or near the bed of said ditch or ditches, until it intersects the ditch known as ditch number thirty-one (31); thence down said ditch number thirty-one (31), until a sufficient fall can be obtained.

SEC. 2. That whenever one or more persons owning lands adjacent to said ditch or ditches, drain or drains, or water course or water-courses, referred to in section one (1) of this act, shall file a petition with the auditor of Wood county, Ohio, addressed to the commissioners of said county, giving the starting point, route and terminus, and setting forth the necessity of such clearing out, widening, deepening, straightening and constructing the same, and shall file a bond with amount and sureties to the acceptance of the said auditor, conditioned to pay all the costs and expenses incurred, in case the commissioners shall refuse to grant the prayer of the petition, or fail to establish said improvement. The commissioners shall appoint an engineer to survey and level the route as described in the section, and immediately after the first meeting of the commissioners, after the filing of said petition, the auditor shall place a correct copy of said petition in the hands of such engineer, whom the commissioners have appointed, and said engineer shall thereupon take to his aid the necessary assistance, and proceed to make an accurate survey and level of the route of said improvement, and on completion thereof, shall return a plat and profile of the same to the said county auditor, and shall also set forth in his return a definite description of the proposed improvement, its availability and necessity, with a description of each parcel or tract of land benefited by said improvement; how it will be affected thereby, and its situation and level as compared with adjoining lands, and the estimated expense of the said improvement and the lots or tracts of land which will be benefited thereby, and which should be assessed for the expense of constructing the same, and the depths of excavations and dimensions of said ditch, drain or water-course, and fix a grade line; and such estimated expense of constructing the same shall be made of each half mile of said improvement, and the same shall not be sold for more than twenty per cent. above said estimate. The profile of the engineer shall show,

First—The number of each station numbered consecutively down stream.

Second—The present depth and width of the water-course.

Third—The depth and width of the water-course as the engineer shall recommend.

Fourth—The actual number of cubic yards of earth to be removed, and specify the manner in which the work shall be done; the necessary flood-gates, water-ways, bridges and crossings, together with such other facts and suggestions as he may deem material. It shall be the duty of the county auditor, on said report being filed, to cause notice of the same, the pendency and prayer of said petition, and the time set for hearing thereof by the county commissioners, at which time they will establish the same, to be given by publication for four (4) consecutive weeks in some newspaper published and of general circulation in Wood county, and said notice shall be deemed sufficient to all parties interested.

SEC. 3. That any person or persons claiming compensation for lands or property appropriated, or who shall sustain any damage by the clearing out, widening, deepening, straightening or constructing of said ditch or ditches, drain or drains, or water-course or courses, shall make his, her or their application in writing therefor to the county commissioners, and file the same with the county auditor, on or before the day set for hearing the petition, and on failing to make such application, shall be deemed

and held to have waived his, her or their right to such compensation and damages.

SEC. 4. Upon the hearing of the petition and the report of the engineer as mentioned in section two of this act, the commissioners shall, if they find that the requirements of the second section of this act have been complied with, and if in their opinion the public health, convenience and welfare, and the drainage of roads and lands demand it, shall enter upon their journal an order that said improvement be made, which order shall state the kind of improvement to be made, and the width and extent of the same, and the lands which shall be assessed for the expense of the same, and they shall thereupon appoint a competent engineer to superintend the performance and completion of said work, who shall, with the approval of the county commissioners, make a contract for the performance of the work, and the contractor may at once enter upon the performance of said work under the superintendence of the engineer appointed as aforesaid; Provided, that said improvement shall be let in sections of not less than one-half mile, and to the lowest and best bidder, who shall give such reasonable security for the proper performance of his contract within the time and manner described, as the county commissioners may deem expedient.

SEC. 5. The commissioners, when any such improvement shall be ordered, shall, immediately upon actual view of the premises, apportion the expense of said improvement upon the real property embraced in the order aforesaid, according to the benefit to be derived therefrom, and in making said apportionment, they shall take into consideration the benefit which shall accrue to any land or lands by reason of the drainage resulting from the making of said improvement. When the apportionment shall have been made as aforesaid, the county auditor shall give notice of it by publication in some newspaper published and of general circulation in said county, and shall also give notice for at least three consecutive weeks of the time when the commissioners will meet at the county auditor's office to hear exceptions to the same. On the day named in said notice, the commissioners shall meet, and if no exceptions have been filed to said apportionment they shall confirm the same, but if exceptions in writing have been filed by any of the owners of the lands affected thereby, they shall first proceed to hear such exceptions, and for that purpose shall hear any testimony that shall be offered by any party interested, and either one of said commissioners shall be authorized to administer oaths to witnesses. After such hearing they may either confirm said apportionment, or change the same, or refer the same to a committee of three disinterested freeholders. The committee shall, upon actual view of the premises, make their report of a new apportionment, or they may recommend the confirmation of the former apportionment, and upon the return of their report to the county auditor, the same proceedings shall be had as upon the first apportionment, except that there shall not again be a reference to another committee. The final action of the commissioners shall be entered upon their records, together with the report as confirmed, showing how the said expense has been apportioned upon the lands ordered to be assessed as aforesaid. The county auditor shall place the assessment upon the tax duplicate as ordered by the commissioners, to the lands to be benefited by said improvement, provided that the costs and expenses of the preliminary survey, proceedings and apportionment of said improvement, shall be paid out of the county treasury.

SEC. 6. That for the purpose of raising the money necessary to meet the expense of said improvement, the commissioners of the county are

hereby authorized to issue the bonds of the county, payable in installments or at intervals not exceeding in all the period of five years, bearing interest at the rate not to exceed seven per cent. per annum, payable semi-annually, which bonds shall not be sold for less than their par value; and the said assessment shall be divided in such manner as to meet the payments of principal and interest of said bonds, and so be placed upon the duplicate for taxation against the land assessed, and collected in the same manner as other taxes, as the commissioners may direct, and when collected, the money arising therefrom shall be applied to no other purpose but the payment of said bonds and interest; provided, that no bonds shall be delivered or money paid to any contractor, except upon estimate of work done as the same progresses or is completed.

SEC. 7. For the purpose of keeping said ditch, drain or water-course free from driftwood, brush or other obstructions, the county commissioners shall be authorized to levy, from time to time, such an amount of tax on lands so benefited and heretofore assessed for the said improvement, as in their judgment may be deemed sufficient to keep such water-course in good repair, and said amount so levied, shall be applied to the removing of such driftwood or other obstruction under and by direction of said commissioners in such manner as they may deem best.

SEC. 8. The compensation of persons employed under this act shall be fixed by the county commissioners, and shall not exceed three dollars per day; provided, that the surveyor or engineer and the county auditor shall receive such compensation for their services as is now or may be fixed by law for the compensation of the county surveyor and county auditor, respectively, for like services in other cases.

SEC. 9. The said county commissioners, when such improvement is located and established as provided in this act, and the same crosses any public or corporate road or any railroad, if they are of the opinion that the same will be benefited, and the road-bed or traveled track will be made better by the clearing out, widening, deepening, straightening, and constructing said ditch or ditches, drain or drains, or water-course or courses, apportion and set off to the county if a county or state road, to the township if a township road, to the company if a corporate or railroad, part of the costs of constructing the same, as to private individuals according to the provisions of this act, and compel them to pay said costs of construction in like manner. And all proceedings for the purpose of appropriating lands or property, and for any damage that may be sustained by reason of the improvement contemplated by this act, shall be governed by the laws of Ohio now in force, to provide for compensation to owners of private property appropriated for the use of the public.

SEC. 10. All acts and parts of acts and provisions of law now in force, relating to the construction, clearing out, widening, deepening or otherwise improving any ditch, drain or water-course, that are inconsistent or in any way conflict with the provisions of this act, shall be held to be inoperative and of non effect in any proceedings had by and under the provisions of this act.

SEC. 11. That the provisions of this act shall be and the same are hereby extended to any other ditch or ditches, drain or drains, water-course or courses, that may form a continuous line of any main or general outlet to any section or tract of country in said county.

SEC. 12. Be it further provided, that all the provisions of this act be and the same are hereby extended and apply to the clearing-out, widening, straightening, deepening and improving of ditches Nos. 28 and 46, in Wood county, Ohio, being a continuous line of water-courses, commencing

at a point on the Haskin's road, in section 13, township 5, range 10, and terminating on east line of section 13, township 6, range 12, Wood county, Ohio.

SEC. 13. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE, .
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To change the name of Maumee city, Lucas county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Maumee city, Lucas county, shall hereafter be designated and known by the name of South Toledo.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

For the relief of C. W. Osborn, Eli Hadley, Leroy Pope, Sampson Wright and Israel Terrell, sureties on the official bond of Amos Hockett, late treasurer of Clinton county, Ohio.

WHEREAS, It appears that Amos Hockett, late treasurer of Clinton county, Ohio, having in his care and custody the moneys paid to him as such treasurer as taxes upon the real estate and personal property in said county and state aforesaid, the same being the funds of said county, to be kept by him as such treasurer, deposited in the vault and safe provided by said county in which to keep said funds of said county, and which said taxes so collected and received by said treasurer amounted to a very large sum of money, and whereas, on the 17th day of June, A. D. 1868, he, the said Amos Hockett, as such treasurer, had collected and received as taxes aforesaid the sum of four thousand seven hundred and fourteen and 22-100 dollars, and on said day he, the said Amos Hockett had been busily engaged during the entire day in the collection of taxes, and at the close of business hours, having locked the door of said treasurer's office proceeded to count the money so received by him during the day aforesaid as such treasurer, which amounted to the sum of money above stated, at the hour of nine o'clock p. m. of the day aforesaid when he, the said Amos Hockett, as such treasurer was engaged in depositing the said sum of money aforesaid in the safe and vault of said treasurer's office

provided as aforesaid, two or more persons opened the door of said treasurer's office by means of false keys, and rushed up behind the said Amos Hockett while so engaged in said vault, knocked him down, blind folded and gagged him, tied his hands securely behind him and took and carried away from the said treasurer's office on the day and date aforesaid, and in the manner aforesaid, the said sum of four thousand seven hundred and fourteen and 22-100 dollars.

And whereas, a number of the tax payers and voters of said county and state and various individuals by sworn affidavits, represent and show that said robbery was not due to any fault, complicity or negligence on the part of the said Amos Hockett, and ask that his sureties above named be released from the payment of said sum of money and the interest accrued thereon so stolen as aforesaid.

And whereas, he, the said Amos Hockett is hopelessly insolvent and unable to pay any part of said sum of money into the treasury so stolen as aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Clinton, and state aforesaid are hereby authorized and required to submit the question of the release of the said C. W. Osborn, Eli Hadley, Sampson Wright, Leroy Pope and Israel Terrell, sureties on the official bond of the said Amos Hockett, as such treasurer to the qualified voters of said county and state at some general election, giving thirty days' notice thereof by publication in a newspaper of general circulation in said county requiring said electors to vote for or against the release of said sureties as aforesaid, and of the time of said vote and the opinion of said electors shall be expressed on their ballots, "Release of Amos Hockett sureties—Yes," or "Release of Amos Hockett sureties—No," which ballots shall be counted and returned by the judges and clerks of elections as in other cases, should a majority of votes cast at said election be in favor of the release of said sureties then said commissioners of said county are hereby authorized and required to release said C. W. Osborn, Eli Hadley, Leroy Pope, Sampson Wright and Israel Terrell, said sureties on said official bond of the said Amos Hockett, late treasurer of said county, from the payment of said sum of four thousand seven hundred and fourteen and 22-100 dollars, stolen from the said Amos Hockett, late treasurer of said county, together with the accrued interest thereon, of the funds of said county, and enter said release on the records of the said county commissioners.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To divide the township of Cambridge, in Guernsey county, Ohio, into three election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Cambridge, in the county of Guernsey, Ohio, be divided into three election precincts, as follows:

All that part of said township lying south of the center of the national road, to form one precinct, to be called election precinct number one. All that part of said township comprised within the following bounds, viz: beginning in the center of the national road on the west side of the public square of the town of Cambridge, and running thence north with the west side of said square, and with the center of Market street of said town, and the center of the Coshocton road, north to the north line of the third quarter of township two, of range three; thence west with said line to the center of Will's creek; thence down said creek with the center of the channel thereof to the north line of said township; thence west with said line to the northwest corner of said Cambridge township; thence south with the west boundary line of said township to the center of the national road; thence east with the center of said road to the place of beginning to form one precinct, to be called election precinct number two.

And all the remainder of said township, bounded as follows, that is to say: beginning at a point in the center of the national road, on the west side of the public square of the town of Cambridge, and running thence east with the center of said road to the east boundary line of said township, thence with said line north, to the northeast corner of said township, thence west with the north boundary line of said township to the center of Will's creek, thence up said creek with the center of the channel thereof, to the north boundary line of the third quarter of the second township and third range of United States military lands; thence east with said line to the center of the Coshocton road, thence with the center of said road southward to Market street, of said town of Cambridge, and south with the center of said street and the west side of the public square of said town to the place of beginning, to be called election precinct number three, of said township.

SEC. 2 This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To build a town hall in Boardman.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Boardman township, Mahoning county, be and they are hereby authorized, if in their judgment they see proper, to build or buy a town hall for the use of said township, and to be under the supervision and control of said trustees, the cost not exceeding six hundred and fifty dollars; the money to be assessed and collected as other township funds are collected.

SEC. 2. This act to be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

To authorize amendment of the map of the incorporated village of Newton Falls, in Trumbull county, and to correct certain errors therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the village of Newton Falls, incorporated "for special purposes," under the style of "the Incorporated Village of Newton Falls," in said county of Trumbull, are hereby authorized and required to proceed, with the aid of a competent surveyor, to make an amended survey and map of said village, and certain contiguous territory, in the following manner and form, viz: Beginning at a point in the East river road at the junction of the Duck creek road, and on the south line of lot one, section nine; thence west on the south line of lands of Mary Parker, H. A. DuBois and J. B. Stanley, to the original section line between section nine and ten; and thence still west one thousand feet to a stone in said line; thence north through lands of said Stanley, Henry Erwin, H. C. Soule and William Howard's heirs, to a lot line, the same being the south line of George Zigler's land; thence east on the north line of Howard heirs, John Graham, H. A. DuBois, Andrew Peterman, Sylvanus Oviatt and J. F. Porter, to the center of the west branch of the Mahoning river; thence down the same to the north line of lot number two, in section number two; thence east on said line to the east line of the Warren road, on lands of John F. Beaver; thence southerly on said east road line to the center of the Lord's town road, between section two and section nine; thence southerly through lands of Samuel Kistler and Mary Parker to the place of beginning, and embracing within these boundaries a fraction less than one square mile of territory.

SEC. 2. That said amended map shall show the lines and contents of all fractions of lands not heretofore mapped, and also the numbers of lots from which such adjacent lands are taken.

SEC. 3. That all great lots, small lots and sub-divisions, streets and alleys, shown on the map of Newton Falls, as recorded by the proprietor, H. A. DuBois, June 20th, 1837, and not heretofore vacated; and also on the recorded map of Earlesville, shall be designated by the same numbers, letters and names as shown in said plats, so far as the same are embraced in said amended survey.

SEC. 4. That on the completion of said survey and map, the said trustees shall deposit a copy with the county recorder for record, and also with the secretary of state, and the same shall thereafter be regarded in law as binding on all parties as provided for in chapter two, section eighteen of the municipal code, passed May 7, 1869.

SEC. 5. That for the purpose of defraying all expenses incident to the foregoing provisions, the said trustees are hereby authorized to order the levy and collection of a tax in the manner provided by said code for the general purposes of the corporation.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 29, 1875.

AN ACT

For the relief of John F. Gay and his official sureties.

WHEREAS, On the seventh day of March, A. D. 1875, John F. Gay was the acting, duly elected and qualified treasurer of Wayne township, Knox county, Ohio; and

WHEREAS, On the night of said day the books, papers and vouchers in and belonging to the office of the said treasurer were totally destroyed by fire, together with all the funds, township and school, amounting to about eleven hundred dollars, remaining therein; and

WHEREAS, A large majority of the taxpayers of said township, interested in said funds, books and papers so destroyed by fire, by their petition to this general assembly, representing that said John F. Gay acted with reasonable business prudence, and was not in any manner at fault in the loss of said funds, and was left by said fire destitute and unable to replace property and funds, and ask that this general assembly extend relief to said John F. Gay and his official sureties; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Wayne township, Knox county, Ohio, are hereby authorized to release said John F. Gay, and his sureties on his official bond, from the payment of said sum of about eleven hundred dollars; Provided, that before said release shall be made, the question shall be submitted to the qualified electors of said township, at some general or special election, notice of which shall be posted at least ten days prior thereto, by putting up notices in at least three public places in said township, and at least two thirds of the electors voting thereon at said election shall vote in favor thereon.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To change the time of holding the second term District Court in Athens county, in the third sub-division of the seventh district of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time fixed by the judges of the court of common pleas for the seventh judicial district of Ohio, for holding the second term of the district court for the year 1875, in Athens county, be changed so that said second term of said court shall commence in said county of Athens on the 13th day of December, A. D. 1875, instead of the 2d day of September, as by the said judges fixed.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To extend the time for payment of school lands in Section No. Sixteen, in Springfield township, Lucas county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years from the day the respective installments become due, and the same is hereby given to the purchasers of lands in school section number sixteen, in Springfield township, Lucas county, Ohio, for the payment of the principal of the purchase money thereof; Provided that the interest and taxes thereon shall be punctually paid according to law; and provided further, that the auditor of said county may at any time require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. That this act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To authorize the trustees of Noble township, Auglaize county, to pay from funds of said township collected under the Boesel railroad act, certain indebtedness arising under said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Noble township, Auglaize county, be authorized and required to pay the amounts advanced by the citizens of said township to establish the Lake Erie and Louisville railroad, which amounts were advanced by an agreement between the trustees aforesaid and said citizens, to be repaid out of funds to be raised by authority of an act of the legislature, passed April 23, 1872, "to authorize counties, cities, incorporated villages and townships to build railroads, and to lease and operate the same," not to exceed the sum of seven hundred and fifty dollars; and the same shall be paid only out of funds now in the treasury of said township, collected by virtue of the aforesaid act of the general assembly.

SEC. 2. This act shall take effect from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1875.

AN ACT

For the relief of J. G. Brugger.

WHEREAS, J. G. Brugger, treasurer of York township, Sandusky county, Ohio, having deposited, as had been customary with his predecessors in office, the funds belonging to said township in the banking house of H. M. Sinclair & Co. for safe keeping; and

WHEREAS, Said banking house has become insolvent, and suspended payment on the 12th day of November, 1873, having in its possession two thousand five hundred and eighty-one twenty one-hundredth dollars of said funds in its possession ; and

WHEREAS, A large number of tax payers and voters of said township represent that said loss was not due to any fault, neglect or complicity of said J. G. Brugger, and ask that he and his sureties be released from the payment of said sum of money, and providing that any portion of said money that may be hereafter recovered shall be paid into said township treasury ; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said York township are hereby authorized to release the said J. G. Brugger and his sureties on his official bond from the payment of the sum of two thousand five hundred and six dollars and twenty cents, and enter said release on the minutes of said trustees ; provided, that before said release shall be made, the question shall be submitted to the qualified electors of the second precinct of said York township, at some general election, and if two-thirds of the electors voting at said election shall vote in favor thereof.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

To authorize the trustees of Euclid township, Cuyahoga county, Ohio, to levy a tax to construct a vault or receptacle for the dead.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Euclid township, Cuyahoga county, Ohio, be and they are hereby authorized to levy and assess a tax, the amount of which to be by them determined, and submit the same to a vote as herein provided, for the purpose of constructing a vault or receptacle for the dead for the use of said township. The said vault or receptacle for the dead to be under the control of said trustees, or some person appointed by them ; provided, that the trustees shall first submit the question of tax or no tax for the above named purpose to the qualified voters of said township, at a general election, having given at least ten (10) days' notice of the same in at least three public places in the aforesaid township, which notice shall state the amount to be raised and for what purpose.

SEC. 2. The electors voting at said election shall have written or printed upon their ballots the words Tax—Yes, or Tax—No, and if a majority of all the electors voting at said election upon the question submitted shall vote—Yes, this act shall thereupon be considered and holden to be adopted by said majority.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 29, 1875.

AN ACT

township of Findlay, Hancock county, Ohio, into two election precincts.

acted by the General Assembly of the State of Ohio,
Findlay, Hancock county, Ohio, be and the same is
election precincts for all purposes, which pre-
scribed as follows, viz: The west half of
constitute the first election precinct of said
of said Findlay township shall consti-
of said Findlay township.
effect and be in force from and after its

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

March 29, 1875.

JOINT RESOLUTIONS.

JOINT RESOLUTION

Relative to Constitutional Amendments.

Be it resolved by the General Assembly of the State of Ohio, That a committee consisting of five on the part of the house, and five on the part of the senate, be appointed, to whom shall be referred all joint resolutions proposing amendments to the constitution of the state of Ohio, and that said committee be instructed to report by resolution or otherwise.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed December 16th, 1874.

JOINT RESOLUTION

Relative to Adjournment.

Be it resolved by the General Assembly of the State of Ohio, That this general assembly adjourn on Wednesday, December 23, 1874, to meet on Tuesday, December 29, 1874, at 2 o'clock P.M.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed December 19th, 1874.

JOINT RESOLUTION

Relative to the building of a Custom-house in the city of Cincinnati.

WHEREAS, Congress having made an appropriation for the purpose of erecting a suitable custom-house and postoffice in the city of Cincinnati; and

WHEREAS, The supervising architect or secretary of the treasury, has, to the detriment of the mercantile, mechanical and laboring interest of the state of Ohio, proposed to have the stone of said custom-house cut and dressed in the state of Missouri; therefore,

Resolved by the General Assembly of the State of Ohio, That our senators are hereby instructed, and our representatives requested to use all honorable means to have the said stone work cut and dressed in the city of Cincinnati, or as near thereto as convenient.

Resolved, That the governor is hereby requested to transmit without delay a copy of these resolutions to each senator and representative of the state of Ohio.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 EMERY D. POTIER,
President pro tem. of the Senate.

Passed December 19th, 1874.

JOINT RESOLUTION

Directing the publication of the Report of the Trustees of the Ohio Agricultural and Mechanical College.

Resolved by the General Assembly of the State of Ohio, That there be printed two thousand copies of the Fourth Annual Report of the Trustees of the Ohio Agricultural and Mechanical College, one thousand copies for the use of the board, and the remainder to be equally divided among the members of the general assembly.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed January 7, 1875.

JOINT RESOLUTION

In reference to printing Secretary of State's Report.

Resolved by the General Assembly of the State of Ohio, That there be printed and bound in muslin 12,000 additional copies of the secretary of state's report for the year 1874, for the use of and to be equally distributed among the members of the general assembly. To determine what number of such copies shall be printed in the German language, it shall be the duty of the secretary of state to ascertain from each member of the senate and house what number of the reports he is entitled to receive he wishes printed in the German language. The aggregate number so determined shall be the number authorized to be printed in German.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed January 6th, 1875.

JOINT RESOLUTION

Relative to the binding of copies of the Debates of the Constitutional Convention.

Resolved, That the superintendent of public printing be and he is hereby directed to bind one thousand copies of the third and fourth vol-

umes of the debates of the constitutional convention, now printed and ready for binding, and that of the copies of said debates so bound, and including the first and second volumes, there shall be delivered one copy to each officer and member of said convention; one copy to each officer and member of the sixty-first general assembly of Ohio; one copy to the clerk of the court in each county, to be deposited with the Ohio and Ohio State Reports belonging to such county; one copy to the library of each public, benevolent, penal, reformatory and educational institution belonging to the state of Ohio; one copy to the office of the governor of Ohio, and each of the executive departments, and the remainder be deposited in the state library as the property of the state of Ohio.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed January 6, 1875.

JOINT RESOLUTION

Providing for the counting of the vote for State Officers elected at the October election of 1874.

Resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention in the hall of the house of Representatives, on Thursday, January 7th, at 11 o'clock A.M., to count the vote for secretary of state, and other state officers, at the election held on the second Tuesday of October, 1874.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed January 7, 1874.

JOINT RESOLUTION

Directing the re-publication of a certain law.

WHEREAS, In the publication of an act entitled "an act to amend the first section of an act entitled 'an act relating to wills, and the repeal of former acts relating thereto,'" passed May 3, 1852, took effect June 1, 1852, (S. & C., 1615,) passed by the general assembly of the State of Ohio, March 30, 1874, (O. L., Vol. 71, p. 48,) it appears that errors have occurred in said publication; therefore

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized and directed to cause a re-publication of said law in correct form, from the original manuscript of enrollment, in the volume of laws for 1875, and a foot note of explanation of said re-publication.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed January 7, 1875.

JOINT RESOLUTION

As to adding some industrial pursuit to the educational training of the children at the Soldiers' and Sailors' Orphans' Home.

WHEREAS, It is the sense of this general assembly that some plan ought to be devised by which the education of the children of the Ohio Soldiers' and Sailors' Orphans' Home may be made to comprise some of the useful and practical occupations of life ; therefore

Resolved by the General Assembly of the State of Ohio, That the standing committee on Soldiers' and Sailors' Orphans' Home and School for Imbecile Youth of the senate, and the standing committee on Military Affairs and Soldiers' Orphans' Home of the house, be instructed to report to this legislature, at as early a day as practicable, a bill to provide for teaching the inmates of such Home practical knowledge of the useful business and industrial pursuits of life.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed January 13, 1875.

JOINT RESOLUTION

Ordering the printing of the annual report of the Inspector of Mines.

Resolved by the General Assembly of the State of Ohio, That there be printed and bound in muslin, two thousand copies of the first annual report of the State Inspector of Mining ; three hundred for the use of the inspector, and seventeen hundred to be distributed among the members of the general assembly.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed January 14, 1875.

JOINT RESOLUTION

Relative to the Expulsion of the Officers and Members of the Louisiana Legislature.

Resolved by the General Assembly of the State of Ohio, That the recent expulsion of the members and officers of the Louisiana house of representatives, by an armed force of United States soldiers, after the body had been duly organized in a manner similar to that which the courts of the state had pronounced lawful and proper, was an outrage utterly defenseless in its atrocity, and calls for the severest censure and punishment on all its actors, aiders and abettors.

Resolved, That the governor be requested to furnish a copy of this resolution to each of our senators and representatives in congress, and to the governors of the several states.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed January 14, 1875.

JOINT RESOLUTION

Directing the Commissioners of the Central Ohio Hospital for the Insane to pay the claim of Samuel Tippet.

Resolved by the General Assembly of the State of Ohio, That the board of commissioners of the Central Ohio Hospital for the Insane, be and they are hereby authorized to pay to Samuel Tippet the balance due on his contract, dated December 18, 1872, to furnish brick for said hospital on account of Messrs. Jones and Son, on their contract, and the same, when paid, shall be charged as a payment on the contract of Messrs. Jones & Co.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed January 15th, 1875.

JOINT RESOLUTION

Providing for the binding of the Auditor of State's Report for 1874.

Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and hereby is authorized and directed to have twelve hundred copies of the annual report of the auditor of state, for the year 1874 (now authorized by law), bound in muslin and suitably lettered on the back, the same to be distributed in like manner proportionately as the whole number are now required to be distributed by law.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Passed January 26th, 1875.

JOINT RESOLUTION

For the binding of the Railroad Commissioner's Report.

Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and he hereby is authorized and directed to have

the two thousand copies of the annual report of the commissioner of railroads and telegraphs, for the year 1874, the publication of which is authorized by law, bound in muslin and suitably lettered on the back, the same to be distributed in like manner as the said two thousand copies are directed to be distributed by law.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 E. D. POTTER,
President pro tem. of the Senate.

Passed January 26th, 1875.

JOINT RESOLUTION

In reference to State Printing.

Resolved That a committee of three on the part of the house, and two on the part of the senate, be appointed to inquire into the expediency of employing the pupils of the deaf and dumb asylum to do so much of or such parts of the state printing as, in the estimation of the superintendent of that institution, can be done with profit to the state, and for the educational interests of that institution.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Passed January 26, 1875.

JOINT RESOLUTION

Relating to the death of Walter C. Hood, State Librarian.

WHEREAS, Walter C. Hood, state librarian, has been removed from our midst by death; therefore, be it

Resolved by the General Assembly of the State of Ohio, That by his death the state loses an efficient and faithful officer, and all mankind a gifted, courteous and kind-hearted brother; and as a mark of respect to his memory, and of our appreciation of his worth as a public officer, and his sterling qualities of head and heart, the superintendent is hereby directed to place the flags of the capitol at half-mast, and so remain until the evening of the 4th instant.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed February 4, 1875.

JOINT RESOLUTION

Directing the Secretary of State to have a law printed.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be instructed to have printed immediately two thousand copies of the act abolishing second trials, for the use of members of the general assembly.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 18, 1875.

JOINT RESOLUTION

Authorizing the warden of the Ohio Penitentiary to obtain stone from the state quarry.

Resolved by the General Assembly of the State of Ohio, That the warden, under the direction of the directors of the Ohio penitentiary, is hereby authorized to obtain stone from the state quarry to be used for the construction and enlargement of the cells of said institution and the erection of the buildings authorized by a recent enactment of this general assembly, and if the stone is to be quarried by prison labor he may take control of the state quarries.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Adopted February 23d, 1875.

JOINT RESOLUTION

Relative to the Printing and Distributing of the Laws of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized and directed to have the general laws of this session of the legislature printed as soon as possible after enactment in forms of sixteen pages, and that he cause five thousand copies of the same to be distributed as follows:

Ten copies to each member of the general assembly, and the remainder he shall distribute to the county auditors of the several counties of this state in proportion to their representation in the legislature, unless otherwise directed by the senators and representatives from such counties, said copies to be furnished under existing contracts, and out of the number now required to be printed by law.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 23d, 1875.

JOINT RESOLUTION

Directing the Secretary of State to ship and distribute certain public documents.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby directed to have boxed up, at the state bindery, the geological survey reports and the statistical reports of the secretary of state, to which the members of the general assembly are entitled, and ship the same to the address of the several members respectively; and the secretary of state is hereby directed to pay the charges for shipping the same out of the amount appropriated for the distribution of the laws, journals and public documents.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Adopted February 26th, 1875.

JOINT RESOLUTION

Requiring Directors, Trustees and Commissioners of State Institutions to make detailed quarterly reports.

Resolved by the General Assembly of the State of Ohio, That the directors, trustees and commissioners of the educational, benevolent, reformatory, and penal institutions of this state, not required by law to make monthly examinations, records and reports, are hereby required and directed to hold a session of their respective boards on the first Tuesday in the months of March, June, September and December of each and every year; which quarterly meetings each of said boards shall make out in writing and return to the governor of the state, a full, accurate and detailed statement of all moneys received and paid out of each institution during the preceding three months, up to and including the day upon which said report is made.

Resolved, That "Joint Resolution," adopted April 20, 1874, (O. L., Vol. 71,) requiring the directors, trustees and commissioners of state institutions to make detailed quarterly reports be and is hereby repealed.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Adopted February 26th, 1875.

JOINT RESOLUTION

Directing the printing of six hundred copies, additional, of the Report of the Railroad Commissioner.

Resolved by the General Assembly of the State of Ohio, That the Supervisor of Public Printing be and he is hereby authorized and directed to

have printed six hundred copies of the annual report of the Commissioner of Railroads and Telegraphs for the year 1874, in addition to those now authorized by law, the same to be bound in muslin and suitably lettered on the back; three hundred copies for the use of said commissioner, and the remainder to be distributed equally among the members of the general assembly.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Adopted March 12th, 1875.

JOINT RESOLUTION

Relative to mileage to the Officers of the House of Representatives.

Resolved by the General Assembly of the State of Ohio, That the clerks and sergeants-at-arms of the senate and house of representatives are entitled under the law to the same mileage for this the adjourned session of the general assembly as the members of the same receive, and the presiding officers of the senate and house of representatives are authorized and required to certify accordingly.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 20, 1875.

JOINT RESOLUTION

Authorizing the Penitentiary Directors to visit Penal Institutions of other States.

WHEREAS, Appropriations have been made to construct new cells in the Ohio Penitentiary, as well as to re-construct the old ones; and

WHEREAS, The interests of the State will probably be subserved by examination by the agents of the State having the work in charge, into the improvements made elsewhere in construction of prisons; therefore

Resolved by the General Assembly of the State of Ohio, That the Board of Directors of the Ohio Penitentiary be authorized and advised to appoint a committee from their own number to make such examination of prisons of other States as will enable the said board to be benefitted in their work, by any improvements that have been made.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Adopted March 23, 1875.

JOINT RESOLUTION

Relating to the erection of the Northern Ohio Hospital for the Insane.

WHEREAS, The trustees of the Northern Ohio Hospital for the Insane were authorized by act of May 5, 1873, to use part of the appropriation for rebuilding the hospital, for putting in heating apparatus, and did so use the sum of thirteen thousand dollars, and the same amount having been specifically appropriated by act of April 20, 1874, for heating apparatus already put in and paid for as above, and which appropriation is not required for such heating apparatus, but is needed for the building purposes; therefore

Resolved by the General Assembly of the State of Ohio, That the Auditor of State is hereby authorized and directed to use said appropriation of thirteen thousand dollars, in the payment of estimates for work done under the contracts for rebuilding said institution, to replace the amount taken from the appropriation made by the act of May 5, 1873.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted March 25, 1875.

JOINT RESOLUTION

Relative to an amendment of Article Four of the Constitution relating to the Judiciary.

Resolved by the General Assembly of the State of Ohio, (three-fifths of the members elected to each house agreeing thereto,) that it be and is hereby proposed to the electors of this state to vote, at the next annual October election, upon the approval or rejection of the following amendment, as additional section to article four of the constitution of the state of Ohio, to wit:

Section 22. A commission, which shall consist of five members, shall be appointed by the governor, with the advice and consent of the senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the supreme court as shall, by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court; and the members of said commission shall receive a like compensation for the time being, with the judges of said court. A majority of the members of said commission shall be necessary to form a quorum or pronounce a decision, and its decision shall be certified, entered and enforced as the judgments of the supreme court and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission, and the commission shall have such other attendants, not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission shall be filled by appointment of the governor, with the advice and consent of

the senate, if the senate be in session, and if the senate be not in session, by the governor, but in such last case, such appointment shall expire at the end of the next session of the general assembly. The general assembly may, on application of the supreme court, duly entered on the journal of the court and certified, provide by law, whenever two-thirds of such [each] house shall concur therein, from time to time, for the appointment in like manner of a like commission with like powers, jurisdiction and duties; provided, that the term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years. If this amendment shall be adopted by a majority of the electors of the state of Ohio, voting at the next election holden for the election of senators and representatives, it shall become section twenty-two of the fourth article of the constitution of the state of Ohio.

At such election the voters desiring to vote in favor of the adoption of this amendment, shall place upon their ballots the words "For the commission." The voters who do not favor the adoption of such amendment, shall place upon their ballots the words, "Against the commission."

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Adopted March 30, 1875.

JOINT RESOLUTION

Proposing an Amendment to the Constitution of the State of Ohio.

Resolved by the General Assembly of the State of Ohio, That an amendment to the Constitution of the State of Ohio be proposed in the following words, to wit: Notwithstanding the provisions of the second section of this article, the general assembly shall have power to provide by law, for the assessment of a special tax on dogs without regard to value, and to provide for the confiscation and killing of such animals upon failure or refusal of the owner, keeper or harbinger thereof, to pay such special tax. If this amendment to the constitution of the state of Ohio shall be adopted by a majority of the electors of the state of Ohio, voting at the next election holden for the election of senators and representatives, it shall become section seven of the twelfth article of the constitution of the state of Ohio. At such election the voters desiring to vote in favor of said amendment, shall have written or printed on their ballots the words, "For amendment taxing Dogs;" those desiring to vote against the amendment the words, "Against amendment taxing Dogs."

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Adopted March 29, 1875.

JOINT RESOLUTION

Directing the printing of the School Laws.

Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and he is hereby instructed to have printed in

pamphlet form and bound in brochure, twenty thousand copies of the school law of 1873, as amended in 1874, and to include all amendatory and supplementary acts of the present session of the legislature, the copy for the same to be furnished by the state commissioner of common schools; three thousand copies of said laws to be for the use of said commissioner, and the remainder to be distributed by him to the auditors of the several counties of the state, and by said auditors distributed to such school officers as may be designated by the commissioner of common schools.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Adopted March 29, 1875.

JOINT RESOLUTION

Providing for the sale of the Blind Asylum Building.

Resolved by the General Assembly of the State of Ohio, That the trustees of the institution for the education of the blind are hereby authorized and directed to sell the old asylum building, situated on the grounds of said institution, to the highest and best bidders; the amount received therefor by the trustees of said institution, to be certified into the state treasury and placed to the credit of the asylum fund.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Adopted March 30, 1875.

JOINT RESOLUTION

Relative to Adjournment.

Be it resolved by the General Assembly of the State of Ohio, That the sixty-first general assembly shall adjourn sine die on the 30th day of March, at 10 o'clock A.M.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Adopted March 30, 1875.

JOINT RESOLUTION

Providing for the printing and distribution of the Third Volume of the final report of the Geological Corps of Ohio.

Resolved by the General Assembly of the State of Ohio, That there be printed of the third volume of the final report of the geological corps of Ohio,

twenty thousand copies, with such maps, plates and sections as are prepared to illustrate the report, the printing to be in the best style, on good paper, in royal octavo, and bound in muslin; the printing to be contracted for by the commissioners of printing according to law, and accepted under the supervision of the secretary of state; two hundred and fifty copies for the geological corps, two hundred and fifty copies for the geological board, five hundred copies for the state library, and the remaining for the present general assembly, to be divided equally among the members thereof and sent to them as soon as printed and bound. To determine what number of such reports are to be printed in German, it shall be the duty of the secretary of state to ascertain from each member of this general assembly, also from the geological corps, geological board and state librarian, what number of the reports they are entitled to receive, they wish in the German language. The aggregate amount so determined shall be the number authorized to be printed in German and they shall be distributed accordingly. That there shall be deposited in the township library in each county of the state of Ohio, one copy of this report, by the member representing the same in this general assembly at the time of their distribution.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Adopted March 30th, 1875.

JOINT RESOLUTION

Relative to the publishing the Auditor of State's Report in the German language.

Resolved by the General Assembly of the State of Ohio, That there be printed in the German language, two thousand copies of the auditor of state's report for the year 1874, for the use of, and to be equally distributed to such members of the general assembly as may desire them.

OFFICE OF SECRETARY OF STATE,
 COLUMBUS OHIO, April 30, 1875.

I hereby certify that the foregoing General and Local Laws and Joint Resolutions are correctly copied from the original rolls on file in this office.

WM. BELL, JR.,
Secretary of State.

ERRATA.

On page 112, last act, the title should be "An act to protect roads and highways."

TIMES FOR HOLDING COURTS IN OHIO IN 1875.

FIRST DISTRICT.

District Court.

Hamilton, April 5, October 4.

Common Pleas.

Hamilton, January 4, June 7, November 1.

SECOND DISTRICT.

District Court.

Butler, April 19; Clarke, March 29; Champaign, April 2; Clinton, April 12; Darke, May 6; Greene, April 7; Miami, March 25; Montgomery, April 5; Preble, May 3; Warren, April 17.

Common Pleas.

Butler, January 18, May 17, October 18.

Champaign, February 15, June 7, November 29.

Clarke, January 18, May 31, October 18.

Clinton, March 1, June 14, November 29.

Darke, January 4, May 24, October 18.

Greene, March 1, June 14, November 29.

Miami, January 4, May 17, October 18.

Montgomery, January 4, May 10, October 18.

Preble, February 22, June 14, November 29.

Warren, January 18, May 31, October 18.

THIRD DISTRICT.

District Court.

Allen, April 2; Auglaize, March 25; Crawford, March 29; Defiance, March 23; Fulton, March 17; Hancock, April 3; Hardin, September 14; Henry, March 22; Logan, September 9; Marion, March 31; Mercer, March 26; Paulding, March 25; Putnam, March 29; Seneca, April 6; Shelby, March 23; Union, September 6; Van Wert, March 31; Williams, March 16; Wood, March 18; Wyandot, March 27.

Common Pleas.

Allen, February 15, May 10, November 1.

Auglaize, January 4, April 5, September 20.

Crawford, February 8, June 1, November 8.

Defiance, January 18, April 26, September 21.

Fulton, February 16, May 11, October 19.

Hancock, January 25, May 24, October 13.

Hardin, January 26, May 24, October 19.

Henry, February 1, May 3, October 4.

Logan, February 23, June 14, November 15.

Marion, January 19, May 11, October 13.
 Mercer, February 8, May 10, November 8.
 Paulding, January 26, June 1, September 21.
 Putnam, January 4, April 12, September 20.
 Seneca, February 8, June 7, November 8.
 Shelby, January 25, April 26, October 13.
 Union, January 4, May 3, September 27.
 Van Wert, January 18, April 19, October 13.
 Williams, March 2, May 18, November 2.
 Wood, January 5, May 4, September 21.
 Wyandot, January 4, April 26, September 21.

FOURTH DISTRICT.

District Court.

Erie, March 29; Huron, March 15; Lucas, April 5; Sandusky, March 19; Ottawa, March 25; Lorain, August 16; Summit, August 23; Cuyahoga, August 30; Medina, August 20.

Common Pleas.

Erie, February 1, May 17, October 18.
 Cuyahoga, February 8, May 3, November 1.
 Huron, February 15, May 31, November 15.
 Lucas, January 18, May 3, October 18.
 Sandusky, January 18, April 19, October 18.
 Ottawa, January 11, May 3, October 4.
 Lorain, January 18, May 10, October 25.
 Medina, January 4, May 3, September 27.
 Summit, January 25, May 17, October 25.

FIFTH DISTRICT.

District Court.

Madison, April 13; Franklin, April 15; Pickaway, May 3; Fayette, May 6; Adams, September 7; Brown, September 9; Clermont, September 16; Highland, September 21; Ross, September 24.

Common Pleas

Adams, January 12, May 11, September 28.
 Brown, January 26, May 11, October 19.
 Clermont, January 12, May 25, October 19.
 Highland, January 12, May 11, October 19.
 Ross, February 9, June 1, November 16.
 Fayette, February 23, June 15, November 23.
 Madison, January 11, May 10, October 21.
 Franklin, January 11, May 10, October 18.
 Pickaway, January 12, May 11, October 19.

SIXTH DISTRICT.

District Court.

Ashland, June 28; Coshocton, July 26; Delaware, July 5; Holmes, June 14; Knox, July 12; Licking, July 19; Morrow, July 1; Richland, June 21; Wayne, July 16.

Common Pleas.

Ashland, March 10, August 17, November 17.
 Coshocton, February 9, May 4, November 2.

Delaware, January 18, April 6, October 18.
 Holmes, January 18, April 12, October 13.
 Licking, January 11, April 12, October 18.
 Knox, February 18, May 10, November 22.
 Morrow, February 1, May 17, October 20.
 Richland, April 7, September 17, December 8.
 Wayne, March 8, August 9, November 29.

SEVENTH DISTRICT.

District Court.

Athens, January 18, September 2; Fairfield, August 26; Gallia, April 15; Hocking, January 11, August 30; Jackson, September 9; Lawrence, April 19; Meigs, April 12; Perry, January 4, August 23; Pike, April 26; Scioto, April 22; Vinton, September 6; Washington, April 8.

Common Pleas.

Athens, March 18, June 14, November 10.
 Fairfield, March 8, June 7, November 8.
 Gallia, February 1, April 26, September 13.
 Hocking, February 15, May 24, October 18.
 Jackson, February 22, May 24, October 13.
 Lawrence, January 26, May 4, September 21.
 Meigs, February 22, May 17, October 4.
 Perry, January 25, May 3, September 27.
 Pike, March 30, June 21, November 16.
 Scioto, March 1, May 31, October 18.
 Vinton, February 8, May 3, September 14.
 Washington, February 22, May 17, October 13.

EIGHTH DISTRICT.

District Court.

Belmont, April 6; Guernsey, April 15; Harrison, September 10; Jefferson, September 7; Monroe, April 13; Morgan, September 21; Muskingum, September 24; Noble, April 20; Tuscarawas, September 14.

Common Pleas.

Belmont, January 25, May 17, October 18.
 Guernsey, January 19, May 4, October 19.
 Harrison, March 9, June 7, November 1.
 Jefferson, March 1, June 21, November 22.
 Monroe, March 9, June 22, November 30.
 Morgan, March 16, June 15, October 13.
 Muskingum, January 25, May 17, November 1.
 Noble, February 22, June 14, November 15.
 Tuscarawas, February 1, May 17, October 13.

NINTH DISTRICT.

District Court.

Ashtabula, April 22; Carroll, September 27; Columbiana, September 23; Geauga, April 20; Lake, April 16; Mahoning, September 13; Portage, April 12; Stark, October 1; Trumbull, April 5.

Common Pleas.

Ashtabula, February 15, May 31, November 22.
Carroll, January 4, April 26, August 30.
Columbiana, January 18, May 10, October 18.
Geauga, January 4, April 26, October 18.
Lake, January 25, May 10, November 1.
Mahoning, January 4, May 3, October 18.
Portage, January 4, May 3, October 18.
Stark, February 8, May 31, November 8.
Trumbull, January 25, May 31, November 15.

JUDICIARY.

JUDGES OF THE SUPREME COURT.

NAME.	RESIDENCE.	TERM.	
		Commenced.	Expires.
Geo. W. Mollvaine, <i>C. Justice</i>	New Philadelphia	February 13, 1871.	February 14, 1876
George Rex, <i>Judge</i>	Wooster	September 11, 1874.	February 12, 1877
John Welch, <i>Judge</i>	Athens	February 10, 1873.	February 11, 1878
Wm. White, <i>Judge</i>	Springfield	February 9, 1874.	February 10, 1879
W. J. Gilmore, <i>Judge</i>	Eaton	February 9, 1875.	February 10, 1880

JUDGES OF SUPERIOR COURTS.

SUPERIOR COURT OF CINCINNATI.

NAME.	DATE OF COMMISSION.	TERM.	
		Commenced.	Expires.
Alfred Yapple	April 10, 1874.....	May 4, 1874.....	May 4, 1879
Timothy A. O'Connor.....	April 5, 1872.....	May 6, 1872.....	May 6, 1877
Myron H. Tilden	April 17, 1873.....	May 5, 1873.....	May 5, 1878

SUPERIOR COURT OF MONTGOMERY COUNTY (DAYTON.)

Thomas O. Lowe	November 7, 1870.....	July 1, 1871	July 1, 1876
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JUDGES OF THE COURTS OF COMMON PLEAS.

District.	Sub-Div.	Counties.	Names and Post-office.	TERM.	
				Commenced.	Expires.
No. 1	Hamilton ...	Manning F. Force, Cincinnati ..	Feb. 12, 1872	Feb. 12, 1877
			Chas. C. Murdock, Cincinnati ..	Feb. 12, 1872	Feb. 12, 1877
			Joseph Cox, Cincinnati	Feb. 12, 1872	Feb. 12, 1877
			Jacob Burnett, Cincinnati	Nov. 6, 1871	Nov. 6, 1876
			Wm. L. Avery, Cincinnati	Nov. 6, 1871	Nov. 6, 1876
No. 2	1 {	Butler	David L. Meeker, Greenville ..	May 11, 1873	May 13, 1878
		Preble	Henderson Elliott, Dayton	Nov. 6, 1871	Nov. 6, 1876
		Montgomery ..	A. Hume, Hamilton	Jan. 16, 1875
		Darke			
	2 {	Champaign..	R. C. Fulton, Urbana.....	Nov. 24, 1873	Feb. 12, 1877
		Miami			

COMMON PLEAS JUDGES—Continued.

District.	Sub-Div.	Counties.	Names and Post-office.	TERM.	
				Commenced.	Expires.
No. 2	3	Warren	James M. Smith, Lebanon	Feb. 12, 1872	Feb. 12, 1877
		Clinton	Moses Barlow, Xenia	Feb. 9, 1869	Feb. 9, 1874
		Greene	Azariah W. Doan, Wilmington.	Apr. 12, 1875	Feb. 10, 1880
		Clarke	James S. Goode, Springfield ...	Apr. 12, 1875	Feb. 10, 1880
No. 3	1	Logan	Philander B. Cole, Marysville..	Feb. 12, 1872	Feb. 12, 1877
		Union			
		Hardin			
		Shelby			
No. 3	2	Anglaize	James Mackenzie, Lima.....	Feb. 9, 1874	Feb. 9, 1879
		Allen			
		Mercer			
		Van Wert ...			
No. 3	3	Putnam	Ed. M. Phelps, St. Mary's.....	May 10, 1874	May 10, 1879
		Paulding ...			
		Defiance			
		Williams			
No. 3	3	Fulton	Alex. S. Latty, Defiance.....	Feb. 12, 1872	Feb. 12, 1877
		Henry			
		Seneca			
		Hancock			
No. 3	4	Wyandot	James Pillars, Tiffin.....	May 4, 1873	May 4, 1878
		Crawford			
		Marion			
		Wood			
No. 4	1	Lucas	Thos. P. Finefrock, Fremont...	Oct. 28, 1874	Oct. 24, 1879
		Ottawa			
		Sandusky ...			
		Erie			
No. 4	2	Huron	Wm G. Lane, Sandusky.....	May 8, 1873	Feb. 12, 1877
		Lucas			
		Ottawa			
		Sandusky ...			
No. 4	3	Erie	Jas. J. French, Toledo.....	Oct. 24, 1874
		Huron			
		Lucas			
		Ottawa			
No. 4	2	Medina	Thos. P. Finefrock, Fremont...	Oct. 24, 1874
		Summit			
		Lucas			
		Ottawa			
No. 4	3	Medina	Reuben C. Lemmon, Toledo ..	Oct. 24, 1874
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No. 4	2	Summit	Wm G. Lane, Sandusky.....	May 8, 1873	Feb. 12, 1877
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		Lucas			
		Ottawa			
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District.	Sub-Div.	Counties.	Names and Post-Office.	TERM.	
				Commenced.	Expires.
No. 6	2	Morrow	{ Thomas J. Kenney, Ashland ... Darius Dirlam, Mansfield	Sept. 19, 1874	Feb. 10, 1879
		Richland		Feb. 12, 1872	Feb. 12, 1877
		Ashland			
No. 6	3	Wayne	{ Wm. Reed, Millersburg	Feb. 12, 1872	Feb. 12, 1877
		Holmes			
		Cos. octon			
No. 7	1	Fairfield	{ Silas H. Wright, Lancaster	Feb. 12, 1872	Feb. 12, 1877
		Perry			
		Hocking			
No. 7	2	Jackson	{ J. J. Harper, Portsmouth	Feb. 12, 1872	Feb. 12, 1877
		Vinton		Feb. 9, 1874	Feb. 10, 1879
		Pike			
		Scioto			
		Lawrence ..			
No. 7	3	Gallia	{ J. Cartwright, Pomeroy	Feb. 12, 1875
		Meigs		Jan. 4, 1875
		Athens			
		Washington ..			
No. 8	1	Muskingum ..	{ Lucius P. Marsh, Zanesville ...	Aug. 3, 1874	Aug. 3, 1879
		Morgan		Feb. 12, 1872	Feb. 12, 1877
		Noble			
		Guernsey			
No. 8	2	Belmont	{ R. E. Chambers, St. Clairsville	Feb. 12, 1872	Feb. 12, 1877
		Monroe			
No. 8	3	Jefferson	{ John H. Miller, Stenbenville ..	Feb. 12, 1872	Feb. 12, 1877
		Harrison			
		Tuscarawas ..			
No. 9	1	Stark	{ Joseph Frease, Canton	Feb. 12, 1872	Feb. 12, 1877
		Carroll			
		Columbiana ..			
No. 9	2	Trumbull ...	{ Philo B. Conant, Ravenna	Feb. 9, 1874	Feb. 10, 1879
		Portage		Feb. 12, 1872	Feb. 12, 1877
		Mahoning ...			
No. 9	3	Geauga	{ H. B. Woodbury, Jefferson	Jan. 25, 1875
		Lake		Feb. 12, 1875
		Ashtabula ..			



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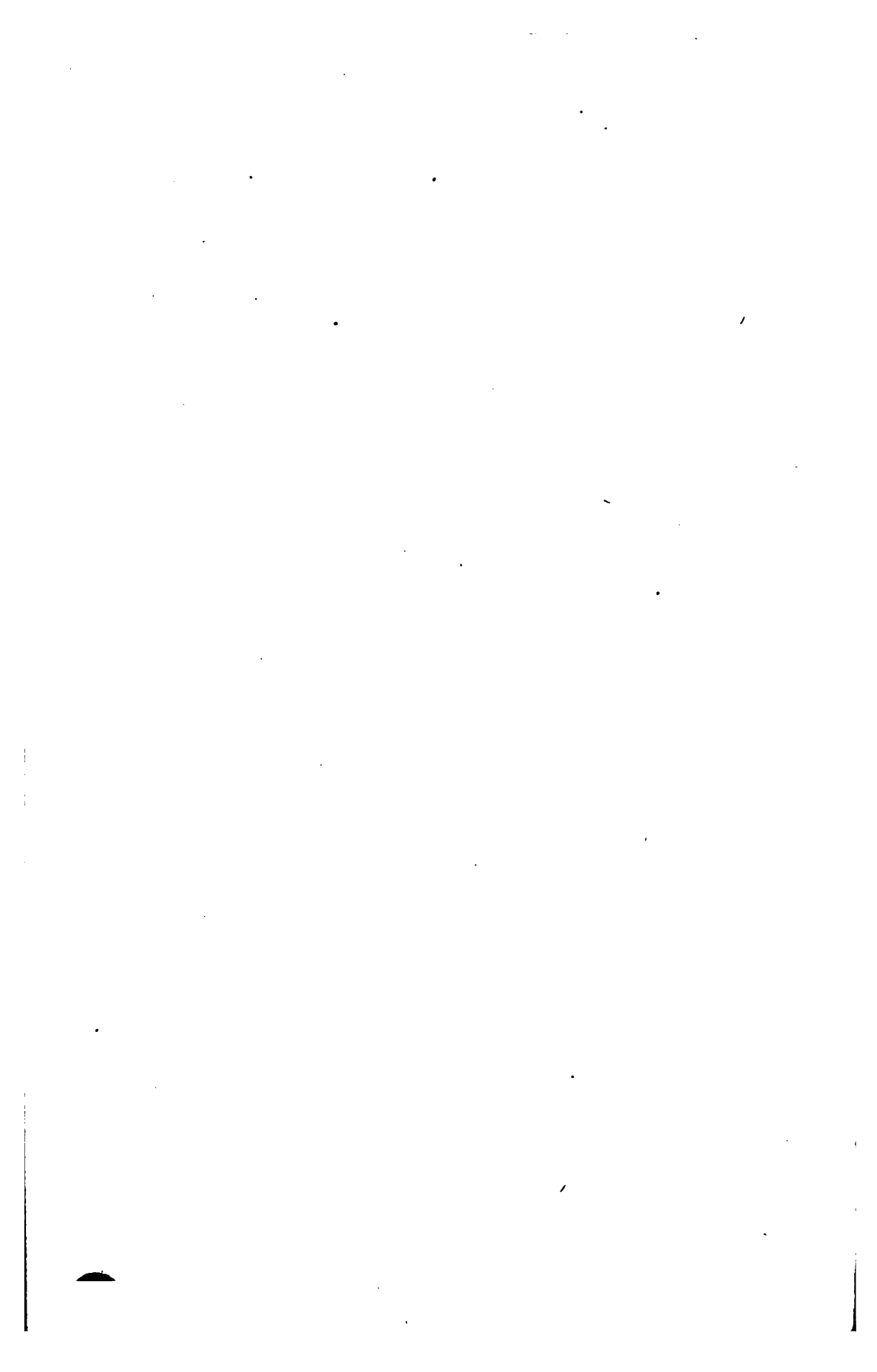
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